

Young envisages a prestige youth corps in non-military type uniform ("like what our Olympians wear"). Service should begin, he thinks, with physical and civics training and discipline to help young people learn to work within a group. Young believes the program should eventually be compulsory. He had opposed abolishing the draft because "the Army provided the only education a lot of poor folk got."

But compulsion, according to Washington's Secretary of State Bruce K. Chapman, "is a horrible idea that would poison the well of volunteerism and service. I don't trust the government to know what's best for people." Voluntary service, Chapman add-

ed, can be an honor and challenge for young people and provide incentives for long-term career success.

UYS could even expand to include private sector opportunities—perhaps, Roosevelt suggests, through tax breaks to employers who offer young people work experience. The arts, home crafts or even organic farming could be eligible, Chapman says.

In place of either "federal officialdom" or "local officialdom" administering UYS at the local level, Wirtz would turn to such groups as community colleges, Lions and Rotary Clubs, or Big Sisters to propose volunteer activities and run the program.

Bypassing state and local governments, however, could generate the same kind of opposition that eventually killed off Great Society projects such as the Community Action Program.

A strong point of a successful UYS program is that it might reduce future criminal justice and welfare costs so significantly that it would be cost-effective, even with annual expenditures of several billion dollars of the taxpayers' money.

But the essential point is human. As President Roosevelt said in 1935, when 2,870,000 young people were out of work and out of school, "We can ill afford to lose the skill and energy of these young men and women."

SENATE—Wednesday, June 2, 1976

The Senate met at 11 a.m. and was called to order by Hon. ROBERT MORGAN, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou King of Kings and Lord of Lords, in Thee do we trust, not just as the God of the state, nor as an American God, nor as a tribal deity, but as the universal transcendent God of all life and history, of all men and nations, our Creator, Redeemer, and Judge. Remove from us all false gods, deliver us from evil, and help us to worship Thee in spirit and in truth. In our consultations here, make us wise and strong. In our dealings with other nations, help us to pursue justice and peace. In whatever we think, or say, or do, use us for the advancement of Thy kingdom.

Through Him who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 2, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT MORGAN, a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. MORGAN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roddy, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. MORGAN)

laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FERROCYANIDE PIGMENT INDUSTRY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. MORGAN) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with Section 203(b) (2) of the Trade Act of 1974, enclosed is a report to the Congress setting forth my determination that import relief for the U.S. industry producing ferrocyanide and ferrocyanide pigments is not in the national economic interest, and explaining the reasons for my decision.

GERALD R. FORD.

THE WHITE HOUSE, May 31, 1976.

APPROVAL OF BILLS

A message from the President of the United States announced that he had approved and signed the following bills:

On May 28, 1976:

S. 510. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the safety and effectiveness of medical devices intended for human use, and for other purposes.

On May 29, 1976:

S. 1494. An act for the relief of Paul W. Williams.

S. 2129. An act to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders.

S. 3399. An act to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts.

MESSAGE FROM THE HOUSE

A message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 3295) to extend the authorization for annual con-

tributions under the U.S. Housing Act of 1937, to extend certain housing programs under the National Housing Act, and for other purposes, with amendments, with which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 52. An act for the relief of Miss Rosario Y. Quijano, Walter York Quijano, Ramon York Quijano, Tarcisus York Quijano, Denis York Quijano, and Paul York Quijano.

S. 223. An act for the relief of Angela Garza and her son, Manuel Aguilar (aka Manuel Garza.)

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. MORGAN).

The message further announced that the House has passed the bill (H.R. 12169) to amend the Federal Energy Administration Act of 1974 to provide for authorizations of appropriations to the Federal Energy Administration, to extend the duration of authorities under such act, and for other purposes, in which it requests the concurrence of the Senate.

BILL PLACED ON THE CALENDAR

The bill (H.R. 12169) to amend the Federal Energy Administration Act of 1974 to provide for authorizations of appropriations to the Federal Energy Administration, to extend the duration of authorities under such act, and for other purposes, was read twice by its title and placed on the calendar.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, June 2, 1976, he presented to the President of the United States the following enrolled bills:

S. 52. An act for the relief of Miss Rosario Y. Quijano, Walter York Quijano, Ramon York Quijano, Tarcisus York Quijano, Denis York Quijano, and Paul York Quijano.

S. 223. An act for the relief of Angela Garza and her son Manuel Aguilar (aka Manuel Garza.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 28, 1976, be dispensed with.

Mr. ALLEN. Reserving the right to object, Mr. President.

I reserve the right to object to this unanimous-consent request in order to show my lack of sympathy with the proceedings that took place here in the Senate on Friday, in the absence of the distinguished majority leader, regarding the filing of a cloture motion.

I state further that if any Senator today feels that there is not a quorum present and makes a request that the presence of a quorum be ascertained, the Senator from Alabama plans to assist that Senator in finding out if a quorum is present by objecting to calling off requests that proceedings under the quorum call be rescinded.

I, therefore, object.

Mr. MANSFIELD. Does the Senator wish to suggest the absence of a quorum?

Mr. ALLEN. No, sir; the Senator from Alabama does not wish to suggest the absence of a quorum. I merely objected to dispensing with the reading of the Journal. I assume that would be the first order of business.

The ACTING PRESIDENT pro tempore. The objection is heard. The Journal will be read.

The clerk will read the Journal.

The assistant legislative clerk read the Journal of Friday, May 28, 1976.

AUTHORIZATION FOR APPOINTMENT OF COMMITTEE TO ACCOMPANY THE KING OF SPAIN

Mr. MANSFIELD. Mr. President, I move that the senior Senator from Washington (Mr. MAGNUSON) be authorized to appoint a committee of Senators on the part of the Senate to be joined with a like committee on the part of the House of Representatives to escort the King of Spain into the House Chamber.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Is my understanding correct that the Senate has agreed to stand in recess at the hour of 12:15 p.m. for the purpose of going in a body to the great Hall of the House of Representatives to hear an address by King Juan Carlos of Spain to a joint meeting of the Congress?

The ACTING PRESIDENT pro tempore. There was a previous announcement, but no order for that.

ORDER FOR RECESS FOR JOINT MEETING

Mr. MANSFIELD. Mr. President, I move that at no later than the hour of 12:15 p.m. the Senate stand in recess for the purpose of going in a body to the great Hall of the House of Representatives to hear an address to the joint meeting by King Juan Carlos of Spain and that at the conclusion of the address, after a reasonable period, 5 or 10 minutes, the recess then be ended.

Mr. ALLEN. Will the Senator yield?

Mr. MANSFIELD. Yes, I yield.

The ACTING PRESIDENT pro tempore. There is an order for the reassembly of the Senate.

Mr. MANSFIELD. Very well.

The ACTING PRESIDENT pro tempore. There is no order for the going.

Mr. MANSFIELD. Very well.

Mr. ALLEN. Will the Senator make that recess 12 instead of 12:15?

There is already an order that we go over. When we do recess at 12:15, we go over. If we could just recess at 12, I think that would be appropriate.

Mr. MANSFIELD. Mr. President, I modify my request accordingly, and at that time it would be my intention, unless a Senator intends to do so, to suggest the absence of a quorum.

Mr. ALLEN. I told the distinguished majority leader that when the suggestion is made for the absence of a quorum, I was going to insist that Senators find out if a quorum is present by calling it off.

Mr. MANSFIELD. Would the Senator reconsider his position in view of the fact that we do have a quorum, a sizable quorum, present, in view of the fact that we do have an obligation to proceed to the Chamber?

Mr. ALLEN. I have no objection to proceeding, but I do not want to proceed under a quorum call.

If the Senator already put in a motion to recess at 12 o'clock, that will take care of it.

Mr. MANSFIELD. Mr. President, I change my request accordingly.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

JOINT REFERRAL OF COMMUNICATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication transmitted by the Secretary to the Council of the District of Columbia relating to support of vending on the Mall be jointly referred to the Committee on Interior and Insular Affairs and the Committee on Public Works.

Mr. ALLEN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

DEATH OF ALFRED SELBY

Mr. MANSFIELD. Mr. President, last Saturday the Senate lost a loyal friend. Alfred Selby passed away at the age of 85 after more than 62 years of faithful service to the Members of this body.

Alfred Selby was born in Philadelphia in 1891. As a young boy he came to Washington, and, on March 14, 1914, while attending school here he was appointed to the Senate staff by the late Senator Francis G. Newlands of Nevada. That was the second session of the 63d Congress. Among the Members of the Senate that year were Henry Cabot Lodge, Robert La Follette, George Norris, William Borah, and Elihu Root.

Since then, Alfred Selby has been known and respected by the Members of this body through 31 Congresses. During his service here he saw five Members of the Senate become President of the United States—Warren G. Harding, Harry Truman, John F. Kennedy, Lyndon Johnson, and Richard Nixon.

Alfred Selby served this body longer than any person in its history. He served it in a humble capacity but with complete fidelity. He was always cordial; always friendly and always worthy of our trust, confidence, and respect. He devoted more than a lifetime to making this body a more pleasant place.

It is hard to imagine the Senate without this kind and generous man. I shall miss him and know the other Members of the Senate will.

We are saddened to mourn his departure, but we are richer for having known this man of the Senate.

On behalf of my family, I wish to extend to Mrs. Selby and her family our deepest sympathy and our profound regrets at the passing of this humble but at the same time great man. May his soul rest in peace.

DEATH OF ALFRED SELBY

Mr. HUGH SCOTT. Mr. President, I was greatly saddened to learn yesterday of the passing of a good friend to all of us in the Senate. Mr. Alfred Selby was stricken at his home over the weekend, and passed away on Monday at the age of 85. He was a resident of my home city of Philadelphia.

He served as a diligent and conscientious employee of the Senate for 62 years.

In March 1974, many of us in the Senate joined in honoring Mr. Selby at a party marking his 60th year of service.

He was a gentleman, a good man, and a friend who will be much missed.

I know my colleagues join me in paying tribute to him, and expressing our condolences to his family and many friends.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE FOR JOINT MEETING

Mr. MANSFIELD. Mr. President, I move that the Senator from Washington (Mr. MAGNUSON) be designated Acting President pro tempore for the joint meeting.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I object. I ask the Chair to put the motion to a vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. MANSFIELD. The majority leader awaits the pleasure of the Senate and its Presiding Officer.

The ACTING PRESIDENT pro tempore. Does the minority leader seek recognition?

Mr. HUGH SCOTT. Mr. President, I yield back my time. I, too, await the pleasure of the Senate.

REPORT ON SENATE PARTICIPATION IN MAGNA CARTA DELEGATION TO THE UNITED KINGDOM

Mr. MANSFIELD. Mr. President, I am about to make a report on the Senate participation in the Magna Carta delegation to the United Kingdom covering the period May 23, 1976, to May 27, 1976. I am doing so in the form of a report submitted to the Senate.

1. BACKGROUND

In the summer of 1975, the British Parliament adopted motions which authorized the loan of an original of Magna Carta to the United States for a year. This loan plus the gift of a gold replica of the Carta and a special showcase to house the document were proffered as British contributions to the celebrations of the American Bicentennial.

On October 22, 1975, the House of Representatives passed unanimously House Concurrent Resolution 458—concurred in by the Senate unanimously the following day. This resolution served to notify the British Parliament of the acceptance of the offer by the U.S. Congress.

In early March 1976, in a joint letter, the Lord Chancellor and the Speaker of the House of Commons invited the two Houses of Congress to send a delegation to the United Kingdom to participate in British ceremonies built around the presentation of Magna Carta. The dates of the official program in the United Kingdom were set as the 24th, 25th, and 26th of May and it was requested that the "delegations, consisting of 25 Members of Congress with their wives and supporting staff" should arrive in London on the 22d or 23d of May.

The Senate passed Senate Concurrent Resolution 98 by unanimous vote on March 4, 1976. This resolution was in the nature of a confirmation of the basic arrangements for the ceremony. It also provided, on the part of the Senate, for a group of not to exceed 12 Members to join House Members in a joint congressional delegation to take part in the proceedings in the United Kingdom. The resolution also made provision for the Senate to share with the House of Representatives the subsequent reception of the delegation of the United Kingdom for ceremonies in the United States.

After consideration in the House and approval there, the Senate reenacted the identical Senate Concurrent Resolution 98 on April 5, 1976.

Immediately thereafter, the Speaker and the Vice President acting on behalf of the Congress formally notified the Parliamentary leaders by letter that a U.S. delegation would participate in the British ceremonies.

2. SENATE PARTICIPANTS

Senate participants in the delegation actually consisted of 7 rather than 12 members. The following Senators were named to the delegation by the Presiding Officer on the advice of the joint Senate leadership:

MIKE MANSFIELD, HUGH SCOTT, JAMES B. PEARSON, GEORGE MCGOVERN, EDWARD BROOKE, BOB PACKWOOD, and ROBERT MORGAN.

Five of the participants were accompanied by wives. The delegation was served by a Senate support contingent consisting of five, including the Secretary of the Senate, Francis R. Valeo. The U.S. Air Force provided transportation and escort. The staff of the U.S. Embassy in London extended very helpful assistance to the delegation during the stay in that city.

3. THE CEREMONIES IN THE UNITED KINGDOM

During the first 2 days of the visit the delegation accompanied by British Parliamentary leaders and associates paid respects at the grave of Sir Winston Churchill and visited Oxford where honors were bestowed on the Speaker of the House of Representatives, both in his present capacity and as a former Rhodes scholar. In addition, the group was briefed on British parliamentary practices and attended sessions of the House of Lords and the House of Commons. Receptions were offered by the Duke of Marlborough, by the Lord President of the Council, by the British-American Parliamentary Group and the British Group of the Interparliamentary Union, and by the Lord Mayor of London and the Corporation of the City of London.

The official presentation ceremony took place on Wednesday, May 26, 1976, in the centuries-old Hall of Westminster. It was an occasion, rich in pageantry and very moving in its unfolding. The Speaker of the House (Mr. ALBERT) and the majority leader of the Senate (Mr. MANSFIELD) spoke on behalf of the delegation of the United States. Speeches were delivered on the part of the United Kingdom by the following:

Prime Minister James Callaghan;
The Speaker of the House of Commons, George Thomas;
The Leader of the Official Opposition, Mrs. Margaret Thatcher; and
The Lord Privy Seal, Lord Shepard.
Other participants on the part of the United Kingdom included:
The Lord Great Chamberlain;
The Secretary of State for the Government;
The Archbishop of Canterbury;
The Lord President of the Council;
The Minister of State for Foreign and Commonwealth Affairs; and
The Leaders of the Minority Parties.

Subsequent to the official presentation, the U.S. delegation was received by the Queen Mother, Queen Elizabeth. The last event in the ceremonies in the United Kingdom was a dinner in New Hall, Lincoln Inns offered by the entire British Parliament. Appropriately, the final events of that evening included the playing of the National Anthems of both countries and, finally, the Hymn of the U.S. Marines.

4. CONCLUDING COMMENTS

It was apparent from the broad range of modern and traditional governmental participation that the United Kingdom has attached the greatest importance to this expression of their interest in the American Bicentennial. The treatment of the U.S. Delegation on the occasion of the official presentation of the replica of Magna Carta was extraordinarily con-

siderate. It was an expression of warm and generous friendship extended by the people of the United Kingdom through their Parliamentary government to the American people through their Congress. Throughout the ceremonies, a sense of mutual respect for national distinctions was coupled with an unmistakable recognition of special cultural kinship.

In that sense, the British ceremonies mirrored faithfully the nature of the Bicentennial gift which occasioned them. The entrusting of an original of Magna Carta to the care of the United States is an unparalleled expression of goodwill on the part of the British people. The presence of the historic document in the rotunda of the Capitol will mark the first time that this parchment which dates from 1210 A.D. will have left the shores of the United Kingdom. It will enable millions of Americans to experience a sense of the ancient roots of liberty as we know it.

Magna Carta is one of the basic documents of the progress of the human race toward freedom. It is a milestone on the road to the Declaration of Independence. The latter, as Speaker Albert noted in his remarks, could not have been written without the prior appearance of Magna Carta. As such, its loan to the United States for a period of 1 year is a singularly appropriate gesture with respect to the Bicentennial. As such, it represents the extension of the hand of friendship between the two nations as well as an authentic affirmation of the cultural ties which link the people of Great Britain and the people of the United States. It is, finally, a restatement of the commonality of purpose of Constitutional government as both nations have known it which is to safeguard the personal liberty of their peoples and to work for the greater equity of all.

A special word of thanks is due to the principal British escorts of the U.S. delegation. Among them, Sir Thomas Williams, president of the British Group of the Interparliamentary Union and Brigadier Paul Ward, C.B.E., executive secretary of the British Group together with their staff, were with the delegation constantly and made every effort to make the visit a memorable one.

Thirty-three years ago this month Prime Minister Winston Churchill addressed the Congress of the United States. As a newly elected Member of the House, I listened as the Prime Minister delivered, with his customary eloquence a report on our joint efforts to win the war. He began:

For more than 500 days we have toiled and suffered and dared shoulder to shoulder against the cruel and mighty enemy. We have acted in close concert in many parts of the world on land, on sea and in the air.

He continued,

I am proud that you should have found us good allies, striving forward in comradeship to the accomplishment of our task without grudging or stinting either life or treasure or indeed anything we have to give.

Mr. President, I move that certain portions of this report be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the material ordered to be printed in the RECORD is as follows:

STATEMENT OF SENATOR MIKE MANSFIELD,
WESTMINSTER HALL, LONDON, MAY 26,
1976

Thirty-three years ago this month Prime Minister Winston Churchill addressed the Congress of the United States. As a newly-elected member of the House, I listened as the Prime Minister delivered, with his customary eloquence a report on our joint efforts to win the war, "For more than 500 days", he began, "We have toiled and suffered and dared shoulder to shoulder against the cruel and mighty enemy. We have acted in close concert in many parts of the world on land, on sea and in the air." He continued, "I am proud that you should have found us good allies, striving forward in comradeship to the accomplishment of our task without grudging or stinting either life or treasure or indeed anything we have to give".

That address, delivered during the darkest hour of the war, served to tie ever more securely the bonds of friendship between our two nations. To this backbencher, it was an experience never to be forgotten. Mr. Churchill's words were drawn directly from the well-springs of our mutual heritage.

Two hundred years ago our political paths parted. The American Colonists set out on a difficult and dangerous journey: To declare their freedom from the British Crown. Compiling a long list of grievances against their king, they drew up a declaration of independence. George III, they argued had violated and broken the contract of constitutional government with his subjects in the colonies. By ruling without the consent of the governed, he had disregarded a principle long a part of English tradition. A principle dating back to the Magna Carta.

Today, from both sides of the Atlantic we see that these ancient common traditions rest securely upon a foundation as solid as pegmatite from the Hebrides.

Today we gather to consider once again how closely we are associated with the British nation and people. Our language, our culture and our form of government are firmly rooted in your great history.

You extend a rare honor in entrusting to us one of the greatest treasures of the English-speaking peoples. The loan of an original Magna Carta is an extraordinary gesture of generosity and friendship.

When it arrives in Washington, Magna Carta, in its resplendent display case, will occupy the center of the Rotunda in the U.S. Capitol building on the site where pre-eminent fallen American leaders, from Abraham Lincoln to John F. Kennedy have lain in state.

Millions of Americans will travel from across the country to view and seek inspiration from this hallowed document. For millions it will underscore, during our Bicentennial anniversary, the continuity rather than the disruption of our great common bonds.

Recent events remind us that safe-guarding liberty is a constant task. But we search the past to guide us in the present. Again, may we find reassurance in the words of Winston Churchill. "When the State, swollen with its own authority, has attempted to ride roughshod over the rights or liberties of (its citizens), it is to this doctrine (of the Magna Carta) that appeal has again and again been made, and never as yet without success." And so it should, and must, be.

The Magna Carta, then, stands as a landmark, reaffirming the fundamental liberties of man. So it is especially appropriate that

her Majesty Queen Elizabeth II and Parliament mark our Bicentennial Celebration by lending the United States this document which is so vital to the rich heritage of freedom common to both our nations.

[94th Congress, 1st Session]

H. CON. RES. 458

CONCURRENT RESOLUTION

Whereas, the historic document known as the Magna Carta of 1215 A.D. represents an essential link in the long chain of constitutional instruments; and

Whereas, American Colonists brought with them from England the traditions of free government and the principle that all persons stand as equals before the law, concepts which had been embodied in the Magna Carta, and they regarded them as their birthright and incorporated them in their colonial charters and constitutions; and

Whereas, in drafting the Constitution and the Bill of Rights of the United States, our Founding Fathers sought to guarantee to the people of these United States the freedom of the church, an independent judiciary, the right to a speedy trial, and the concept of due process of law, which principles were clearly derived from the Magna Carta; and

Whereas, in recognition of the Bicentennial celebrations of the United States of America, the House of Lords and the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland have unanimously adopted motions respectfully praying that Her Majesty, The Queen, direct that an original copy of the Magna Carta be loaned to the people of the United States, to be held by their representative, the Congress of the United States, for a period of one year; and

Whereas, this loan has been authorized by Her Majesty, The Queen, in order that this historic document may be displayed in the Capitol, enclosed in a showcase donated by the United Kingdom for that purpose; Therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States recognizes that it is natural that men should value the original documents which guarantee their rights, and thus hereby expresses its sincere gratitude to Her Majesty, The Queen, the Parliament and the people of the United Kingdom for their loan to this Nation of the Magna Carta, a document of historic and symbolic significance to the peoples of both our Nations, and believes that its temporary residence here in the country of its philosophical descendants, the Declaration of Independence, the Constitution and the Bill of Rights, will contribute an important historical perspective to the Bicentennial celebration; and be it further

Resolved, That the showcase donated to the United States by the United Kingdom to be used to display the Magna Carta may be placed in the Rotunda of the United States Capitol, and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor, including the payment of all necessary expenses incurred in connection with the installation, maintenance, and protection thereof; and be it further

Resolved, That the Secretary of State is requested to transmit a copy of these resolutions to the Parliament of the United Kingdom of Great Britain and Northern Ireland.

[94th Cong., 2d sess.]

S. CON. RES. 98

CONCURRENT RESOLUTION

Whereas, in recognition of the Bicentennial celebrations of the United States of America, the House of Lords and the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ire-

land have unanimously adopted motions respectfully praying that Her Majesty, the Queen, direct that an original copy of the Magna Carta be placed on loan to the people of the United States for a period of one year; and

Whereas, this loan has now been graciously authorized by Her Majesty, the Queen, and, by concurrent resolution of the United States Congress, this historic document of freedom and of the abiding principles of law will now be displayed in the Rotunda of the United States Capitol, there to be contained within a showcase to be donated by the United Kingdom for such purpose: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) a delegation of Members of Congress shall be appointed to proceed at the invitation of the two Houses of Parliament, to the United Kingdom, there to attend the presentation of the Magna Carta, under suitable auspices, to the people of the United States, to be held in the custody of their representative, the Congress of the United States, for a period of one year.

(b) The delegation shall consist of the Speaker of the House of Representatives and not to exceed twenty-four additional Members appointed as follows:

(1) Twelve appointed by the Speaker of the House of Representatives on the recommendation of the Majority and Minority Leaders.

(2) Twelve appointed by the President of the Senate on the recommendation of the Majority and Minority Leaders.

(3) The Speaker shall be the Chairman of the delegation and the Majority Leader of the Senate shall be the Vice Chairman.

SEC. 2. There are authorized to be paid from the contingent fund of the Senate on vouchers approved by the Chairman and Vice Chairman, such amounts as the Chairman and Vice Chairman of the delegation jointly shall determine to be necessary (one-half of such expenditures shall be reimbursed by the House of Representatives and such reimbursement is hereby authorized):

(1) for the expenses of the delegation, including expenses of staff members designated by the Chairman and Vice Chairman, respectively, to assist the delegation;

(2) for the reimbursement of any department or agency of the Federal Government for expenses incurred by it on behalf of the delegation and expenses incurred in connection with the functions of the delegation in the United Kingdom;

(3) for payment of expenses in connection with the display of the Magna Carta in the United States Capitol, including those expenses associated with delegations invited from the Government of the United Kingdom or other nations in connection with joint Bicentennial ceremonies at the Capitol.

SEC. 3. All authority for such expenditures shall expire at the close of business December 31, 1976.

VISIT OF AN AMERICAN CONGRESSIONAL DELEGATION TO GREAT BRITAIN TO MARK THE BICENTENARY OF THE UNITED STATES OF AMERICA

SUNDAY, 23D MAY

2000 hrs—Arrive by U.S.A.F. Special Mission Aircraft, Staying at the Churchill Hotel, 30, Portman Square, W.1.

MONDAY, 24TH MAY

0915 hrs—Leave Hotel.

1045 hrs—Arrive at Bladon Churchyard to see the grave of Sir Winston Churchill.

1110 hrs—Arrive at Blenheim Palace, tour of the Palace, drinks with His Grace the Duke of Marlborough.

1230 hrs—Leave Blenheim Palace.

1300 hrs—The Hon. Carl and Mrs. Albert

and six others of the delegation arrive at St. Peter's College and are greeted by Sir Alexander Cairncross, K.C.M.G.—Master. Luncheon. 1450 hrs—Leave for All Souls College. 1300 hrs—The remainder of the delegation arrive at All Souls College and are greeted by Mr. J. H. A. Sparrow, M.A.—Warden. Luncheon.

1500 hrs—Visit Codrington Library at All Souls. Greeted by Mr. J. S. G. Simmons—Librarian.

1530 hrs—Leave Oxford.

1700 hrs—Arrive at Hotel.

1815 hrs—Leave Hotel.

1830 hrs—Reception given by the Lord President of the Council. Lancaster House.

TUESDAY, 25TH MAY

1030 hrs—Leave Hotel.

1100 hrs—To the Palace of Westminster—Tour the Palace. Briefing on Question Time procedure.

1230 hrs for 1300 hrs—Luncheon given by the Executive Committees of the British American Parliamentary Group and the British Group of the Inter-Parliamentary Union. Harcourt Room, House of Commons.

1425 hrs—Lord Chancellor's Procession; Speaker's Procession.

1430 hrs—Attend Question Time in the House of Lords.

1500 hrs—Attend Question Time in the House of Commons.

1600 hrs—Leave the Palace of Westminster.

1810 hrs—Leave Hotel.

1830 hrs—Reception given by the Lord Mayor and Corporation of the City of London. Guildhall.

2000 hrs—Leave Guildhall.

2030 hrs—Arrive National Maritime Museum. Tour of the 1770 Exhibition. Greenwich.

2200 hrs—Embark m.v. "Silver Marlin" buffet supper on board.

2330 hrs—Disembark, Cardogan Pier.

WEDNESDAY, 26TH MAY

1000 hrs—Wives and supporting staff leave Hotel.

1030 hrs—Delegation leave Hotel.

1055 hrs—Ceremony in Westminster Hall, Palace of Westminster.

1230 hrs—Reception for the Delegation given by Her Majesty Queen Elizabeth, The Queen Mother. Clarence House, St. James's Palace.

1230 hrs—Reception for other guests given by the Prime Minister. Lancaster House.

2000 hrs for 2030 hrs—Dinner given by Parliament, New Hall, Lincoln's Inn.

THURSDAY, 27TH MAY

Departure.

BRITISH DELEGATION

The Lord Chancellor and Lady Elwyn Jones.

The Speaker.
Lord President of the Council and Mrs. Foot.

Lord Privy Seal and Lady Shepherd.
Marquess of Lothian and Lady Lothian.
Viscount Hood GCMG.

Lord Mowbray and Stourton and Lady Mowbray and Stourton.

Rt. Hon. The Lord Byers and Lady Byers.
Rt. Hon. Humphrey Atkins, M.P. and Mrs. Atkins.

Mr. Winston Churchill, M.P. and Mrs. Churchill.

Mr. Michael Hamilton, M.P. and Mrs. Hamilton.

Rt. Hon. Douglas Jay, M.P. and Mrs. Jay.
Dr. Dickson Mabon, M.P. and Mrs. Mabon.

Mr. Roger Moate, M.P. and Mrs. Moate.

Rt. Hon. John Peyton, M.P. and Mrs. Peyton.

Rt. Hon. Edward Short, M.P. and Mrs. Short.

Mr. David Steel, M.P. and Mrs. Steel.

Sir Thomas Williams, Q.C., M.P. and Lady Williams.

Mr. J. A. C. Watherston—Lord Chancellor's Private Secretary.

Brigadier N. E. V. Short, M.B.E., M.C.—Speaker's Private Secretary.

Brigadier P. S. Ward, C.B.E.—Secretary to the Delegation.

Mr. MANSFIELD. In addition to placing this report on the Senate's participation in the Magna Carta delegation which visited the United Kingdom, I wish to advise the Members that I have had a preliminary financial estimate made of the cost of Senate participation. The indications are that the full cost of Senate participation for the entire party, including staff, will be in the neighborhood of \$7,500. We are awaiting further details and specifics and when they are available, they will be made a part of the record. It seems reasonable, however, to expect that the overall cost to the Senate of \$7,500 will not change significantly.

EXECUTIVE SESSION

Mr. GRIFFIN. Mr. President, I move that the Senate go into executive session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

CONFIRMATION OF THE NOMINATION OF S. JOHN BYINGTON—NOTIFICATION TO THE PRESIDENT

Mr. GRIFFIN. Mr. President, I have several parliamentary inquiries.

The ACTING PRESIDENT pro tempore. The Senator will state his first inquiry.

Mr. GRIFFIN. As I understand the situation with respect to the nomination of Mr. S. John Byington to be a member of the Consumer Product Safety Commission, the Senate has confirmed his nomination, but the President as yet has not been notified. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct. The President would not be notified until the third day of actual executive session.

Mr. GRIFFIN. Would I be correct in saying that this is the third day of executive session?

The ACTING PRESIDENT pro tempore. The Senator is correct, and the President will be notified.

Mr. GRIFFIN. Will the President be notified immediately after we return to legislative session today, or will the notification be made tomorrow?

The ACTING PRESIDENT pro tempore. Immediately after the close of this executive session.

Mr. GRIFFIN. I thank the Chair. It is of some importance, because there have been plans for a swearing-in ceremony at the White House at 2 o'clock this afternoon.

LEGISLATIVE SESSION

Mr. GRIFFIN. I now move that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I move that the Senator from Colorado (Mr. HASKELL) be recognized under the order granted on Friday last.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado (Mr. HASKELL) is recognized for a period of not to exceed 15 minutes.

THE ANTITRUST IMPROVEMENTS ACT

Mr. HASKELL. Mr. President, I would like briefly to discuss title 5 of the antitrust bill, the principal author of which is the distinguished Senator from Michigan (Mr. PHILIP A. HART). I commend the Senator from North Carolina as well as Mr. HART for putting together a particularly constructive piece of legislation.

The aspect of that bill which I would like to discuss is the premerger notification and stay amendments.

The prenotification procedure would provide the law enforcement agencies of the United States at least equality with the major corporations of this Nation. I am not sure it will put them ahead, but at least it will make them procedurally equal.

This is extremely important, Mr. President, because I think our Nation was built economically on the free enterprise system and competition. This free enterprise system, in turn, depends upon a multitude of business enterprises actively competing with each other in the marketplace.

Mr. President, if one reviews the recent economic history of this country and sees the increasing concentration of corporate structure, I believe that he will come to the conclusion that the free enterprise system is in fact in danger. For example, the present structure of American industry has approximately 200 corporations controlling 67 percent of all manufacturing assets, and the present antitrust laws, both section 7 of the Clayton Act and others, have failed in their objective, not because of the substantive thrust of those laws—I want to stress that—not because of the substantive thrust, but because of the inability to provide to the Antitrust Division of the Federal Trade Commission the necessary tools to stay mergers while they can be examined and looked into for anticompetitive effect.

I have two personal examples, Mr. President, that I can point to, that have come to my own experience, where corporations in this country have decided to merge. In one where they were willing, consenting partners to the merger, the companies thumbed their noses both at the Antitrust Division of the Justice Department and at a committee of the U.S. Senate.

This example involved an acquisition by Burma Oil Co., a British multinational conglomerate, of one of the few remaining substantial independent producers of oil and gas in this country, called Signal Oil Co. According to testimony from the Antitrust Division, one of the lawyers, I believe, for Burma

called this lawyer in the Antitrust Division on Christmas Eve and informed the lawyer in the Antitrust Division of the pending merger. Subsequently there were discussions back and forth. There was a request for a delay by the Antitrust Division, asking that they be given time to take a look at what the anti-competitive effects might be.

The answer from the law firm representing Burma Oil Co. was: "Sorry, friend; go soak your head. We are going to consummate this transaction."

This was called to my attention as chairman of a subcommittee of the Committee on Interior and Insular Affairs, which was examining the structure of the integrated oil industry. I asked that pending a hearing on the matter the merger not be consummated. I received exactly the same answer as did the Antitrust Division.

I submit, Mr. President, that all other things aside, it hardly is fitting that corporate enterprise be so cavalier with both the executive and legislative branch of the Government. We did have a hearing after the merger was consummated. The Antitrust Division testified as did others, and the Antitrust Division testified to something that was quite obvious.

Once two companies are brought together they have actually been merged, and they have scrambled the eggs, and the remedy of keeping them apart is gone for all practical purposes.

There may be other remedies. There may be, for instance, the sale of a certain line of business or something like that, but the basic remedy of keeping the corporations apart and in competition with each other is gone.

Mr. President, if we believe in the free enterprise system, I state that we must do everything within our power to keep separate competitive enterprises, and this provision of the bill allows a time for examination of the facts and to determine whether or not the bill will have an anticompetitive effect. It does not add substantively in any way to the antitrust laws of the United States but merely gives the law enforcement officials the tools with which to work.

So, Mr. President, I believe that this is a much needed piece of legislation, and I stress that, if we believe in the free enterprise system, we will get behind this because this is a way in my view to preserve it.

I point out that the assistant attorney general, Mr. Kauper, testified on this particular provision and he said:

We strongly support the premerger notification and the enhancement of our ability to obtain relief pendente lite.

Among other things, he testified that the premerger notification would prevent the consummation of so-called midnight mergers. That is the type of merger that I had reference to a while back which goes on all the time. Once they are done they cannot be undone, and they lead, in my opinion, to uneconomic concentration.

So, Mr. President, I am strongly behind the entire bill, but I did want to speak on this aspect of it since I had some personal knowledge, and I certainly hope it becomes law.

I yield back the remainder of my time.

ADDITIONAL COSPONSOR—S. 651

Mr. MANSFIELD. Mr. President, I move that Senator BURDICK be added as a cosponsor of S. 651, the Tax Neutrality Act.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

JOINT REFERRAL MOTION

Mr. MANSFIELD. Mr. President, I move that a communication transmitted by the Executive Director of the Seismic Safety Commission be referred jointly to the Committee on Interior and Insular Affairs, the Committee on Banking, Housing and Urban Affairs, and the Committee on Public Works.

The ACTING PRESIDENT pro tempore. The Chair advises that the motion is out of order; that can only be done by unanimous consent.

MRS. HOPE NAMGYAL

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1699.

The ACTING PRESIDENT pro tempore (Mr. MORGAN) laid before the Senate the amendment of the House of Representatives to the bill (S. 1699) for the relief of Mrs. Hope Namgyal as follows:

Strike out all after the enacting clause, and insert: That, for the purposes of the Immigration and Nationality Act, Mrs. Hope Namgyal shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on the motion of the Senator from Montana.

The motion was agreed to.

THE RELEASE OF NAMES BY THE ADMINISTRATOR OF VETERANS' AFFAIRS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 848, H.R. 10268.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 10268) to amend title 38 of the United States Code in order to clarify the purposes for which the Administrator of Veterans' Affairs may release the names and addresses of present and former personnel of the armed services and their dependents.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the Senate proceeded to consider the bill (H.R. 10268) which had been reported from the Committee on Veterans' Affairs with

an amendment to strike out all after the enacting clause and insert:

That (a) section 3301 of title 38, United States Code, is amended by—

(1) inserting "(a)" before "All";
(2) striking out "follows:" and inserting in lieu thereof "provided in this section," and inserting thereafter the following new subsection:

"(b) The Administrator shall make disclosure of such files, records, reports, and other papers and documents as are described in subsection (a) of this section as follows:"

(3) redesignating paragraphs (6), (7), (8), and (9) as subsection (c), (d), (e), and (f), respectively;

(4) striking out "The" at the beginning of subsection (e) (as redesignated by clause (3) of this subsection) and inserting in lieu thereof "Except as otherwise specifically provided in this section with respect to certain information, the"; and

(5) striking out subsection (f) (as redesignated by clause (3) of this subsection) and inserting in lieu thereof the following new subsections:

"(f) The Administrator may, pursuant to regulations the Administrator shall prescribe, release the names or addresses, or both, of any present or former members of the Armed Forces, and/or their dependents, (1) to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under this title, or (2) to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such agency or instrumentality has made a written request that such names or addresses be provided for a purpose authorized by law. Any organization or member thereof or other person who, knowing that the use of any name or address released by the Administrator pursuant to the preceding sentence is limited to the purpose specified in such sentence, willfully uses such name or address for a purpose other than those so specified, shall be guilty of a misdemeanor and be fined not more than \$5,000 in the case of a first offense and not more than \$20,000 in the case of any subsequent offense.

"(g) Any disclosure made pursuant to this section shall be made in accordance with the provisions of section 552a of title 5."

(b) The amendments made by subsection (a) of this section with respect to subsection (f) (as redesignated by subsection (a) (3) of this section) of section 3301 of title 38, United States Code (except for the increase in criminal penalties for a violation of the second sentence of such subsection (f)), shall be effective with respect to name or addresses released on and after October 24, 1972.

Mr. THURMOND. Mr. President, I rise in support of H.R. 10268, a bill to clarify the purposes for which the Administrator of Veterans' Affairs may release the names and addresses of present and former personnel of the armed services and their dependents.

This legislation is necessary if the Veterans' Administration is to continue to observe the practice of reporting to appropriate public health authorities the names and addresses of patients with communicable diseases who were treated at VA health care facilities.

This policy enables local and State health officials to provide for the public health and safety by seeking out and treating those who may have come in contact with various infectious diseases in the community. Mr. President, the

States need this legislation if they are to continue to provide the public health and safety functions which they are mandated to furnish under various State laws.

Mr. President, the Administration testified that they needed this authority, and I am hopeful we will pass this bill with dispatch.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

An act to amend title 38 of the United States Code in order to clarify the purposes for which the Administrator of Veterans' Affairs may release the names and/or addresses of present and former members of the Armed Forces and their dependents.

CIBOLA NATIONAL FOREST

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 857, S. 1872.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1872) to enlarge the boundary of the Cibola National Forest.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundary of the Cibola National Forest in New Mexico be modified to include the following-described lands:

1. A tract of land in townships 13 and 14 north, range 16 and 17 west, of the New Mexico principal meridian in New Mexico, beginning at a point from which the southwest corner of section 34, township 14 north, range 17 west, bears north 89 degrees 52 minutes west 1,717.32 feet;
thence south 0 degrees 56 minutes east 1,307.46 feet to the southwest corner of the Fort Wingate Army Depot;
thence south 89 degrees 45 minutes east 897.60 feet;
thence south 89 degrees 57 minutes east 2,643.30 feet;
thence north 89 degrees 48 minutes east 5,272.08 feet;
thence north 89 degrees 51 minutes east 6,596.70 feet to the southeast corner of Fort Wingate Army Depot which bears north 89 degrees 51 minutes east 1,320.66 feet and south 1,328.58 feet from the northwest corner of section 6, township 13 north, range 16 west;
thence north 0 degrees 42 minutes west 12,945.12 feet; then due west 15,175.51 feet to the west boundary of the Fort Wingate Army Depot;
thence south 0 degrees 35 minutes west 2,598.32 feet;
thence south 0 degrees 23 minutes west 5,195.52 feet;
thence south 0 degrees 32 minutes west 3,872.88 feet to the point of beginning, containing an area of 4,556 acres, more or less. The southwest and southeast corners of Fort

Wingate Army Depot mentioned in the above description are the same as was installed as of November 19, 1971, and mentioned in the Mann survey, United States Department of the Interior, Bureau of Land Management plat dated September 9, 1957.

2. Township 14 north, range 15 west, section 3, all lying south of Interstate 40; section 4, all lying south of Interstate 40; section 5, all; section 8, all; section 9, all; section 10, all lying south of Interstate 40; section 11, all lying south of Interstate 40; section 12, all lying south of Interstate 40; section 13, all lying south of Interstate 40; section 14, all; section 15, all; section 16, all; section 17, all; section 20, all; section 21, all; section 22, all; section 23, all; section 24, all; section 25, all; section 26, all; section 27, all; section 28, all; section 29, all; section 32, east half; section 33, all; section 34, all; section 35, all; section 36, all; containing 14,476.06 acres, more or less.

3. Township 10 north, range 4 east, section 2, south half northeast quarter, southeast quarter; section 11, northeast quarter, north half southeast quarter, southeast quarter southeast quarter; containing 520 acres, more or less.

4. That portion of the Elena Gallegos grant lying east of a line described as beginning at the closing corner between sections 35 and 36 of township 11 north, range 4 east, on the south boundary of said grant and extending north 4,541 feet, thence east 4,541 feet, thence north 4,726 feet, thence east 634 feet, thence north 3,379 feet, thence west 1,875 feet, thence north 2,693 feet, thence west 2,006 feet, thence north 4,092 feet to a point on the north boundary of said grant, thence easterly along the said grant boundary 1,452 feet to the 7½-mile corner on the north boundary of said grant, containing 6,870 acres, more or less.

SEC. 2. Subject to valid existing rights, all lands owned by the United States in the areas described in section 1 of this Act are hereby added to the national forest, and shall be administered in accordance with the laws, rules, and regulations applicable thereto.

SEC. 3. For the purposes of section 6 of the Act of September 3, 1964 (78 Stat. 903), the boundary of the Cibola National Forest, as modified by section 1 of this Act, shall be treated as if it were the boundary of that forest on January 1, 1965.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 11:58 a.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 12 noon, when called to order by the Acting President pro tempore (Mr. MORGAN).

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE KING OF SPAIN

Mr. MANSFIELD. Mr. President, pursuant to the request granted by the Senate this morning, I move that the Senate be notified that the hour of 12 o'clock has passed and at approximately 12:15 p.m. the Senate will proceed in a body to the other Chamber.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Senate will now stand in re-

cess, subject to the call of the Chair, for the purpose of attending a joint meeting with the House of Representatives to hear the King of Spain.

Thereupon, the Senate, at 12:03 p.m., took a recess, subject to the call of the Chair.

The Senate, preceded by its Secretary, Francis R. Valeo, and its Sergeant at Arms, F. Nordy Hoffmann, proceeded to the Hall of the House of Representatives to hear an address delivered by the King of Spain.

(For the address delivered by King Juan Carlos of Spain see today's proceedings in the House of Representatives.)

At 1:16 p.m., the Senate having returned to its Chamber reassembled and was called to order by the Presiding Officer (Mr. LEAHY).

THE ANTITRUST IMPROVEMENTS ACT OF 1976

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 8532, Calendar No. 781, the antitrust bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8532) to amend the Clayton Act to permit State attorneys general to bring certain antitrust actions, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLEN. I object, in order that the unfinished business be taken up.

The PRESIDING OFFICER. Objection by the Senator from Alabama is heard.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORTS CONTROL ACT OF 1976-1977

The PRESIDING OFFICER. Two hours having elapsed, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

QUORUM CALL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Did the Senator suggest the absence of a quorum?

Mr. HUMPHREY. I did.

Mr. ALLEN. The Senator was not here when I stated that if any Senator suggested the absence of a quorum, feeling that a quorum was not present, I would insist on finding out, by objecting to the calling off the quorum.

If the Senator will withhold his request—or is it too late for him to do so, I ask the Chair?

The PRESIDING OFFICER. Debate is not in order during the quorum call.

The assistant legislative clerk continued the call of the roll, and the fol-

lowing Senators entered the Chamber and answered to their names:

[Quorum No. 5 Leg.]

Abourezk	Griffin	Muskie
Allen	Hansen	Nelson
Baker	Hart, Gary	Packwood
Bartlett	Hart, Philip A.	Pastore
Beall	Hartke	Pell
Biden	Haskell	Percy
Brock	Hatfield	Proxmire
Brooke	Hathaway	Randolph
Buckley	Holms	Ribicoff
Bumpers	Hollings	Schweiker
Burdick	Hruska	Scott, Hugh
Byrd	Huddleston	Scott,
Harry F., Jr.	Humphrey	William L.
Byrd, Robert C.	Jackson	Sparkman
Cannon	Javits	Stafford
Case	Johnston	Stennis
Chiles	Kennedy	Stevens
Culver	Leahy	Stevenson
Dole	Long	Stone
Domenici	Magnuson	Symington
Durkin	Mansfield	Taft
Eagleton	Mathias	Tammage
Ford	McGovern	Thurmond
Garn	McIntyre	Williams
Glenn	Metcalf	Young
Goldwater	Morgan	
Gravel	Moss	

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUE), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. NUNN), the Senator from California (Mr. TUNNEY), and the Senator from Iowa (Mr. CLARK) are necessarily absent.

I also announce that the Senator from Indiana (Mr. BAYH) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. MCCLURE), the Senator from Kansas (Mr. PEARSON), the Senator from Delaware (Mr. ROTH), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

THE PRESIDING OFFICER. A quorum is present.

GI BILL EXTENSION: SUBSTANTIVE ARGUMENTS AND BUDGETARY REALITIES

Mr. HARTKE. Mr. President, on May 31, 1976, for the first time since the current GI bill program was initiated in 1966, veterans who served between 1955 and 1966, approximately 3.7 million, had their eligibility for educational benefits expire. Of this number, 563,000 were enrolled in a program of education and were receiving VA benefits. Under existing law veterans have a 10-year period following discharge to utilize readjustment assistance benefits earned in military service.

Many of my colleagues have contacted me recently urging that the time period—known as the "delimiting period" in VA parlance—be extended either for a year, 2 years or for an unrestricted period of time. While there is considerable

merit to some of the arguments supporting an extension of the time period, I must be candid with my colleagues. Such a general extension of the delimiting period is highly unlikely because of a lack of support or active opposition from some quarters and because insufficient funds have been allocated to veterans' benefits and services in the fiscal year 1977 concurrent resolution on the budget recently adopted by Congress.

A brief examination of the background of this problem is instructive. GI bill benefits have been generally regarded as a readjustment assistance benefit to veterans which facilitated transition from military to civilian life. Consistent with the attitude that such readjustment should occur and benefits be utilized within a reasonable period of time following release from military service, the WW II, Korean conflict, and the present GI bill all have had statutory delimiting periods. Most World War II veterans had 4 years from the date they were separated from service to begin a program of education and 9 years or until July 25, 1956 to use their entitlement. Korean veterans had 3 years following separation from service to begin a program of education or training and 8 years from separation from service or until January 31, 1965 to use their entitlement. Under the law creating the current program, (P.L. 89-358), veterans discharged after January 31, 1955—the date the Korean conflict officially ended—were allowed 8 years from June 1, 1966 or 8 years from date of discharge or release, whichever was later, to complete their program of education. Unlike their counterparts in World War II and the Korean conflict, no time limitation was imposed on the post-January 31, 1955 veterans for beginning their training.

In 1974, I sponsored legislation to extend this training period from 8 to 10 years. Despite administration opposition, this was signed into law (P.L. 93-337) by then President Nixon. There were two principal justifications for this extension. First, Congress recognized unique circumstances differentiating these veterans from earlier World War II and Korean conflict GI bill trainees. Second, I believe Congress acknowledged a broadening concept of how and when GI bill benefits might be utilized to the advantage of the veteran and the Nation as a whole. In the first instance, eligibility for benefits for the 3.7 million post-Korean veterans, who served between 1955 and 1966 occurred retroactively in 1966. Thus, veterans who were not eligible for the GI bill upon their release from military service—some as long ago as 10 years previously—were suddenly made retroactively eligible for GI bill benefits. None of these veterans received individual notification from the Government of their eligibility and many were thus not aware of the program. Initially, benefits were lower than the Korean conflict rates some 15 years earlier. The low benefit level, coupled with the fact that many veterans had taken jobs and started families, made it difficult for them to use their benefits. It was only following substantial benefit rate increases in 1972 and the initiation of active outreach by eligible schools that many of these vet-

erans decided to enroll under the GI bill.

Many veterans also discovered that their needed retraining or that their initial education was insufficient for them to make significant career advancement. These veterans illustrate the second factor mentioned. Two years later in 1974, congressional recognition of these factors led to enactment of an extension of the delimiting period to 10 years from May 31, 1966 or date of discharge, whichever was later. Shortly after enactment of Public Law 93-337, as part of President Ford's initial budget, the administration submitted proposals in January 1976 to repeal the extension and revert to an 8-year delimiting period. This request was repeated this past January and the President's budget for fiscal year 1977 assumes enactment of legislation which he estimates would reduce first-year expenditures in excess of \$600 million.

The Subcommittee on Readjustment, Education and Employment, which I chair, held a hearing last October which covered this and other subjects of concern to veterans. Arguments both in favor and against extension of the delimiting period were advanced to the committee.

Proponents noted first, the particular circumstances facing the immediate groups of veterans facing the cutoff on May 31, 1976; second, the need for upgrading or retraining of skills in an ailing economy; and third, the profitable return to the Treasury of additional taxes which have traditionally resulted from GI bill expenditures.

Opponents argued that 10 years is a sufficient period of time to "readjust" and suggested that much of the training was either avocational in nature or entered into by veterans more interested in obtaining an income supplement to their regular employment check rather than obtaining an education. For example, by offering training in the evening or weekends, one business school in recent years has increased veteran enrollments from under 100 to over 7,000 GI trainees currently enrolled.

In addition to the various arguments advanced pro and con, an implicit consideration, particularly for those impressed with the need for fiscal restraint, was the cost of any extension. A simple 2-year extension would result in the additional mandatory expenditures of \$2 billion. A 1-year extension only is estimated to cost \$681 million.

While it is my present judgment, based on the testimony received, that the weight of the arguments favor some form of extension, it is also clear that this view is not unanimous. The President's opposition remains firm and he could be expected to veto any extension just as he vetoed the 1974 GI bill. A House of Representatives vote on a floor amendment to the first concurrent resolution—widely regarded as a vote to add extension money to this year's budget—indicates that probably well over a third of its members would be available to sustain a Presidential veto. The Nation's three largest veterans' organizations, the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, do not support an extension for

a combination of reasons, principally because of the belief that limited funds for veterans' programs requires distribution to higher priorities.

Mr. President, irrespective of the merits of an extension proposal, the availability of funds is a crucial issue for a House and Senate now subject to the Congressional Budget Act. I believe my colleagues should clearly understand that there is a direct relationship between their votes on spending ceilings for various programs and our ability to pass and enact legislation such as extension proposals. Frankly, I have been amazed in recent weeks by the number of my colleagues—including members of the Budget Committee—who, having voted for the ceiling on veterans' benefits and services, which was \$1.1 billion below the Veterans' Affairs Committee's recommendation, now urge the committee to report and pass legislation for which there are insufficient funds.

In this connection it would also be useful to briefly review the steps that have been taken as part of the congressional budget process so far this year. As required by law, on March 15, 1976, I, as chairman of the Committee on Veterans' Affairs, wrote the Budget Committee recommending fiscal year 1977 outlays of approximately \$20.4 billion for veterans' benefits and services. While this figure did not include all that I believe was meritorious or desirable, it was a figure which attempted to balance the Budget Committee's expressed concern for fiscal restraint with our intention to provide sufficient moneys to fund actual cost-of-living increases for various benefits programs, to fund legislative initiatives which had passed one house or the other and to provide for more adequate health care. In this connection, given the President's strong position against extension of the GI bill, no additional explicit moneys were sought for GI bill extension. Had the \$20.4 billion been granted, however, there would have been sufficient funds to grant some form of an extension by trading off—as contemplated by the congressional budget process—and, had that been the clear will of Congress, granting something less than full cost-of-living increases to GI bill recipients.

At first glance the \$20.4 billion recommended figure appears to be a substantial increase over the President's budget of \$17.2 billion. It was and is immediately apparent, however, that the President's budget is more of the traditional shell game practiced in recent years. Mandatory program expenditures were understated, health care needs were underestimated, and the President's budget assumed enactment of so-called cost saving legislation of very dubious merit much of which had been consistently rejected by Congress in the past. For example, mandatory GI bill expenditures were understated by over \$600 million on the assumption by the President that Congress would reduce the GI bill training period from 10 to 8 years.

Second, in addition to intentionally understated costs, the President's budget ignored the need for cost-of-living increases in various veterans benefits programs. Seventy-two percent of the VA budget represents transfer payments and

certain benefits programs, such as the GI bill, have not received cost-of-living increases since September 1974.

Finally, recommended VA outlays as a percentage of the Federal budget were modest when compared to past budgets and represent a long-term decline over the last 20 years. A comparison between the current fiscal year with fiscal year 1956, 20 years earlier, reveals, for example, that while veterans' population has increased by 39 percent, veterans' benefits and outlays as a share of the Federal budget has decreased by 28 percent. And this decline occurred during a period of prolonged conflict which produced many new veterans with the need for temporary but higher cost readjustment benefits.

So that my colleagues will know how we arrived at our \$20.4 billion recommendation, I will request that an appropriate excerpt from the committee report be printed in the Record at the conclusion of my remarks.

Reasonable men can disagree, of course, and the Budget Committee decided to set veteran outlays at \$19.3 billion, or \$1.1 billion less than the Veterans' Affairs Committee recommended. The Budget Committee's recommendation was upheld by the full Senate when an amendment sponsored by Senator CRANSTON, myself, and others to add back \$800 million was tabled by a vote of 53 to 21. Subsequently, the House of Representatives adopted a veterans' benefits and services outlay target of nearly \$20 billion—a level which would have allowed our committee greater latitude. In large part, the difference between the Senate adopted and the House adopted veteran benefit outlays was prompted by concern expressed on the House floor that there be additional funds which could be utilized for extension of the GI bill training period if such legislation were enacted. However, this figure was not upheld in House-Senate conference and was reduced to \$19.5 billion, the target assigned in the first concurrent resolution on the budget.

Mr. President, it was my opinion then as now that the \$19.5 billion figure is insufficient to provide full cost-of-living increases for all veterans' benefits programs and to enact legislative initiatives which have passed previously in one house or the other such as pension reform, or the removal of the 9-month undergraduate restriction. The Budget Committee's "current services" approach would allow cost-of-living increases for a 1-year period only despite the fact that many veterans' benefits programs have not been increased for periods longer than 1 year. Nevertheless, we are prepared to attempt to live within the expressed will of Congress that expenditures be held to \$19.5 billion. What disturbs me is the attitude of some of my colleagues who, having voted to keep expenditures at that level, now believe that they can recommend that the Veterans' Affairs Committee report any and all legislation which obviously cannot be accommodated within those budget totals.

One of the arguments advanced by proponents during initial consideration of the Congressional Budget Act was that while members often agreed that Federal

spending should be kept at a certain level, they turned around and voted for a variety of programs which when totaled up clearly exceeded the agreed upon limits. This was criticized by Budget Act proponents as lacking candor at best or being irresponsible at worst. While I believe it is yet to be demonstrated that Federal spending is excessive, I recognize that there is merit in a process which allows us to decide first what overall spending should be, and second determine our priorities within those levels. Two things about the actual operation of this process, however, disturb me.

The first is the apparent abdication of these decisions by the full Senate to the Budget Committee itself. In the debate on the amendment to add money for veterans' benefits and services this year, little attention was directed as to whether this was a good amendment, whether priorities should be reordered, or whether overall Federal spending should be increased. Rather, opponents argued that to suggest something other than what the Budget Committee itself had recommended was somehow an attack on the very congressional budget process itself. Naturally, I do not share this view nor am I prepared to concede that the Budget Committee's composition or decisions are a completely accurate reflection of the attitudes and priorities of the full Senate itself.

Nevertheless, each of my colleagues must decide for himself how much and to what extent he will exercise his own judgment or defer to others. What disturbs me, however, is the apparent inability of some of my colleagues to see any connection between their vote on spending levels and the authorizing committee's ability to report and enact legislation. Could it be that a new irresponsibility has replaced that which was criticized when the budget act was initially considered? Under this new irresponsibility some members apparently believe they can vote to hold veteran expenditures down—in this case \$1.1 billion below committee recommendations—and then turn around and urge the same committee to enact new legislation which would require new mandatory first-year expenditures of at least \$681 million.

Of course, it is true, as pointed out in debate, that the concurrent resolution to the budget does not in and of itself say how the money assigned for veterans' benefits must be spent among various programs. But it is equally clear that our committee cannot feed the multitude with a few loaves of bread. Thus, for example, we could pay for an extension of benefits but only if we cut compensation payments for the disabled, or reduced pensions for needy elderly veterans, or shut down a substantial part of our VA health care system. None of our colleagues to date, however, has suggested to me that our committee do this.

Consequently, I suggest to some of our colleagues that biting the bullet is a year-round occupation and not limited solely to voting on the concurrent resolution on the budget. Senators must also be prepared either to bite the bullet in terms of what they recommend that the authorizing committees enact or at the very least be prepared to suggest what existing programs not be improved or

even cut to provide sufficient funds for the legislation they advocate. For those of our colleagues who continue to suggest that we enact legislation extending the delimiting period I welcome hearing their specific suggestions on how we could accomplish this. To illustrate that will not be an easy task to accomplish, given the \$19.5 billion outlay limit imposed on the committee, I ask unanimous consent that the recommendations of the Committee on Veterans' Affairs totaling \$20.4 billion be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**BUDGET VIEWS AND ESTIMATES FOR
FISCAL YEAR 1977**

**I. COMMENT ON THE GENERAL ECONOMIC SETTING
FOR THE FISCAL YEAR 1977 BUDGET**

The general economic setting of continued high veteran unemployment, particularly amongst younger, minority, and disabled veterans, and continuing inflation, will affect veterans' programs in a number of ways.

The state of the economy has great impact on veterans' benefits. Continual inflation, of course, erodes the purchasing power of veteran benefits. As noted previously, 72 percent of the VA budget represents transfer payments. The Committee strongly believes that past and continuing inflation should not be allowed to erode the purchasing power of these benefits.

Unemployment is also an important factor in pension, compensation, and educational assistance benefit usage. As acknowledged in the fiscal year 1977 VA budget justifications, supplemental appropriations for the current fiscal year were necessitated in large part due to increased usage by recently separated veterans who, because of high unemployment, trained in greater than anticipated numbers.

The Administration's budget does not include in its proposals any provision for cost-of-living increases in any of the veterans benefit programs. In order to prevent continued diminution of purchasing power, such cost-of-living legislation will be required. Despite the uncertain state of the economy and its relationship to veterans' benefits, the Committee has utilized the Administration's estimates as to program usage in fiscal year 1977. However, it should be noted that the continued unemployment situation, coupled with the slow pace of economic recovery, could cause those estimates to be inaccurate. The Committee, however, has been assured that the Agency believes its estimates for fiscal year 1977 to be generally accurate. Should these estimates be incorrect and the country's economic ills and high unemployment rates impact more heavily on veterans than contemplated, there may be a significant impact on usage of certain veterans' entitlement programs which can, in large part, be considered countercyclical in nature.

Finally, in regard to the relationship entitlement programs have to the overall budget, the Committee notes with interest a Congressional Budget Office (CBO) report titled "Growth of Government Spending for Income Assistance" dated December 3, 1975, which concludes that "runaway growth is not inevitable and that with prudent management, Congress can provide assistance for citizens who need it without any significant increase in the share of gross national product (GNP) devoted to income assistance programs." Unanimous Senate adoption of the Veterans and Survivors Pension Reform Act (S. 2635) was a conscious effort to assure that those most in need received assistance in the most efficient and economic fashion.

II. THE BUDGETARY IMPACT OF MAJOR NEW PROGRAMS OR PROGRAM CHANGES

A. Compensation and dependency and indemnity compensation (subfunction 701)

Compensation is an entitlement program

providing monthly payments to veterans who are "compensated" for impaired earning capability resulting from service-connected disabilities. The proposed fiscal year 1977 budget projects payments of \$4,247,038,000 for 2,217,512 disabled veterans.

Death compensation, or dependency and indemnity compensation (DIC), is an entitlement program providing monthly benefits to widows and dependents of veterans whose deaths were a result of service-connected causes. Approximately \$953,923,000 is scheduled to be paid to 366,188 survivors in the fiscal year 1977 budget submitted by the Administration.

Both compensation and DIC rates were increased by the Veterans Disability Compensation and Survivor Benefits Act of 1975 (Pub. L. 94-71), effective August 1, 1975.

Given the continued increase in the Consumer Price Index since that time, and utilizing the economic assumptions underlying the President's budget (page 25) to project additional increases anticipated by October 1, 1976, the start of the new fiscal year, it is probable that there will be a cost-of-living rate adjustment of at least 8 percent in compensation and DIC allowances. Such a cost-of-living adjustment would result in a \$314.9 million increase in disability compensation outlays, a \$66.6 million increase in DIC benefits, and a \$10.7 million increase in dependent's allowance for an additional fiscal year 1977 total increase in this subfunctional category of \$392.2 million.

Of course, the President's economic assumptions may be subject to dispute. If the Budget Committee adopts a different set of economic assumptions, an appropriate adjustment in veteran benefit programs may be required. In this connection, new budget authority for compensation and DIC increases of 9 or 10 percent would require new 1st-year outlays of \$443.6 million or \$498.4 million respectively.

In addition, the Committee will review a study of dependency and indemnity compensation claim denials which will be submitted by the VA, later this year, pursuant to section 204 of Public Law 94-71 in order to determine if legislation liberalizing the criteria for entitlement to these benefits is warranted. The need for and prospect of such legislation is uncertain at this time; the costs entailed would be minimal.

B. Pension (subfunction 701)

Pensions are need-based monthly entitlement benefits payable to wartime veterans and dependents of deceased veterans for non-service-connected disability and death. (Those age 65 or over are by statute presumed to be totally disabled, leaving economic need as the only test.)

The Administration's budget assumes that 2,202,631 veterans and survivors will receive pension benefits in fiscal year 1977. Costs for veterans' pensions are projected as \$1,586,868,000 while survivor pensions are estimated to cost \$1,184,829,000, a total of \$2,771,697,000 for pensions in fiscal year 1977.

The Committee, during this past year, completed its investigation of various proposals to restructure the VA pension program. As a result, S. 2635, the Veterans and Survivors Pension Reform Act, was unanimously ordered reported by the Committee on Veterans' Affairs on December 10, 1975.

A waiver of the provisions of section 303 (a) of the Congressional Budget Act of 1974, with respect to fiscal year 1977 new budgetary authority contained in S. 2635, was sought and granted through the adoption of Senate Resolution 322. The Veterans and Survivors Pension Reform Act was, thereafter, unanimously approved by the full Senate on December 15, 1975, and is presently pending before the House Committee on Veterans' Affairs.

The President's budget does not recommend that the provisions of the Veterans and Survivors Interim Pension Adjustment Act of 1975 (Pub. L. 94-169) scheduled to

terminate on October 1, 1976, be made permanent and, hence, assumes pension reductions. If the provisions of Public Law 94-169 are extended and made permanent (as titles II and IV of S. 2635 would do), the budget is understated by \$198.9 million.

Both additional veteran program outlays (function 700) and the net Federal budget outlays, which could be expected if S. 2635 is enacted into law, are uncertain. A more thorough discussion can be found in the Committee report to S. 2635 (Sen. Rept. 94-532).

In brief, however, the Veterans' Administration has estimated that the maximum fiscal year 1977 pension program outlays under S. 2635, would be \$798.9 million. The Congressional Budget Office, however, in a second revised cost estimate, advised the Committee on December 10, 1975, that such pension outlays for fiscal year 1977 would be \$986 million. The Committee is of the opinion that the VA estimate which was developed with the use of a sophisticated computer simulation model, is more accurate. Whatever VA outlay figure the Budget Committee chooses to utilize, however, it is important that the Committee also recognize that enactment of S. 2635 will result in certain offsets to other Federal programs for which appropriate adjustments should be made. The Congressional Budget Office has estimated that in fiscal year 1977 the maximum potential offsets in Supplementary Security Income (SSI), in Aid to Families with Dependent Children (AFDC), and in the food-stamp program would be \$313 million.

Such a maximum estimate would reduce the fiscal year net cost from \$798 million to \$485 million. Of course, such a figure represents the maximum budget authority offset since it assumes that all veteran pensioners who would benefit from these programs would participate in them. In point of fact, there is no universally accepted data available concerning the actual participation rate in these programs for either the total eligible population or for veterans in particular. Accordingly, in order to estimate offsets to outlays, as distinguished from offsets to budget authority, the Congressional Budget Office assumed a 50 percent participation rate in SSI and AFDC programs and a 25 percent participation rate in food stamps. These assumptions result in an offset of \$128 million, which when subtracted from maximum outlays, would result in a fiscal year 1977 net additional Federal budget outlay of \$670.9 million if S. 2635 is enacted.

C. Readjustment benefits (subfunction 702)

Readjustment benefits under the GI bill consist of educational assistance for eligible veterans, dependents, and survivors.

In title 38, U.S.C., there are three programs of educational benefits for veterans, servicemen, and their beneficiaries: (1) Veterans educational assistance under the current GI bill (chapter 34); (2) dependents educational assistance (chapter 35); and (3) vocational rehabilitation for disabled veterans (chapter 31). In 1975, nearly \$4.6 billion was expended for GI educational benefits. The current services budget presently estimates that \$6.1 billion will be spent for educational benefits in fiscal year 1976. At the end of January 1976, nearly 6.3 million veterans, survivors and dependents, and service personnel, at a cost of \$15.3 billion, had trained under the current GI bill since the inception of the program in June 1966.

A total of 3,300,000 veterans and service personnel will train under chapter 34 of the GI bill in the current fiscal year. This is an overall increase of 608,434 over the number who trained during fiscal year 1975. Most are training in institutions of higher learning. A 29.8 percent increase in the number who trained in college occurred between fiscal year 1975 and fiscal year 1976. Most of this increase occurred in junior or community college training. Of the 3,300,000 veter-

ans who will have trained in fiscal year 1976, 2,077,000 were in college (68.4 percent), 773,000 (23 percent) in correspondence, flight, and other schools, and 185,000 (5.6 percent) in on-job training.

Over 131,200 dependents, wives, and widows are expected to receive chapter 35 GI educational benefits in the current fiscal year (109,300 dependents and 21,900 wives and widows). Benefit utilization increased 49 percent from fiscal year 1975 to fiscal year 1976.

More than 24,500 disabled veterans will receive chapter 31 vocational rehabilitation assistance in 1976. Of this total 20,281 were Vietnam era veterans.

Since the effective date of rate changes contained in the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (Pub. L. 93-508), when Congress last increased educational assistance benefits, the Consumer Price Index has increased 10.7 percent as of December 1975. Utilizing the economic assumptions contained in the President's budget to estimate additional inflationary growth to October 1, 1976, the total increase in the cost-of-living increase for the period involved can be expected to reach 14.5 percent. Consequently, it would appear probable that there will be cost-of-living rate adjustments for educational benefits. A 14 percent increase would result in additional fiscal year 1977 outlays of \$689.5 million, which amount would decline in succeeding years. A 15 percent increase would result in new outlays of \$738.8 million.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (Pub. L. 93-508), among other things, also provided for up to an additional 9-month educational assistance benefits eligibility for those veterans entitled to the maximum eligibility of 36 months. This additional 9 months of benefits can only be used in the pursuit of an undergraduate degree. As originally passed by the Senate on June 19, 1974, by a vote of 91-0 (and subsequently unanimously ratified by the Senate in the first conference report), the additional entitlement was not so restricted. Legislation has been introduced in both bodies to remove this restriction and extend entitlement usage to graduate as well as undergraduate course study. Such an extension is included in H.R. 9576, which passed the House of Representatives on October 6, 1975. Congressional approval is anticipated, despite Administration opposition. The Veterans' Administration has reestimated their fiscal year 1977 cost of the removal of the undergraduate restriction at \$124 million.

Considerable interest has also been expressed by members of Congress concerning legislation which would extend beyond 10 years the period of time following discharge or release from military service within which an eligible veteran, wife, or widow may utilize educational assistance benefits. The cold war GI bill authorized in 1966 by Public Law 89-358, extended retroactive eligibility for educational assistance for those post-Korean conflict veterans who served after January 31, 1955 and were discharged prior to June 1966. An 8-year "delimiting" period was authorized during which these veterans could utilize their educational benefits. Thus, eligibility for educational benefits for these veterans would have terminated on May 31, 1974. Public Law 93-337, enacted in June 1974, extended this delimiting date from 8 to 10 years and, thus, set the date beyond which cold war veterans would not be eligible for educational assistance as of May 31, 1976. Approximately 563,000 post-Korean veterans currently in training would be affected.

Consequently, the Committee has been asked to consider legislation which would extend the delimiting period once again. Fiscal year 1977 estimates for various proposals range from \$326.8 million, a restricted ex-

tension, to \$681.6 million in outlays for unrestricted extension of the delimiting date for 1 year.

Both the Administration and House have indicated strong opposition to any extension of the delimiting period and, hence, enactment would appear highly uncertain.

D. Medical care (subfunction 703)

The VA health care system (172 hospitals, 229 outpatient clinics, 89 nursing homes, and 18 domiciliary facilities) is estimated in the President's fiscal year 1977 budget to maintain an inpatient average daily patient census of 119,348, treat 1,365,443 patients on an inpatient basis, and provide 15,590,000 outpatient visits (2,372,000 on a fee basis), during the fiscal year. The fiscal year 1977 medical care budget authority request is \$4,172,232,000, an increase of \$307,776,000 over fiscal year 1976. This will provide for an increase of 2,122 in average employment of health care personnel.

Medical and prosthetic research, including health services research and development, would remain relatively static for the third fiscal year in a row, with \$97,433,000 in budget authority requested compared to appropriations of \$97,356,000 during fiscal year 1976.

The amount requested for the Medical Administration and Miscellaneous Operating Expenses (MAMOE) item—\$39,941,000, an increase of \$362,000 over the fiscal year 1976 appropriation, with no average employment increase—will provide for the staffing of the Central Office Department of Medicine and Surgery, provide support for certain research and development activities and continuing education programs, and support the Exchange of Medical Information program at the same level (\$3,500,000) as in fiscal year 1976.

The construction (major and minor) budget authority request of \$210.6 million for VA hospital and medical facilities as well as cemeteries is down \$193.8 million from the figure for fiscal year 1976, with projected obligations up \$26,611,000 from the level projected for fiscal year 1976 (from \$330,498,000 to \$357,109,000) and projected outlays up \$116.9 million (from \$185.7 to \$302.6 million). The construction budget request would provide budget authority of \$31,460,000 for replacement and modernization, \$17,233,000 for general administrative costs of the Office of Construction, \$13,464,000 for cemeteries, \$79,835,000 for other major construction, and \$68,600,000 for other minor construction.

Of the \$210.6 million in construction budget authority requested for fiscal year 1977, \$25,859,000 would be allocated to correct deficiencies identified in the 1974 special study of the "Quality of Patient Care at VA Hospitals and Clinics". That study identified a total of \$398,893,000 in needed construction and repairs for priority funding. In fiscal year 1976, \$264,803,000 of the construction funds appropriated were obligated to correct the most pressing of the deficiencies identified in that study, leaving construction and repair work totalling \$134,090,000 for future fiscal years. The proposed budget for fiscal year 1977 would provide budget authority of only an additional \$25,849,000 toward the elimination of the remaining uncorrected deficiencies, leaving \$108,251,000 still needed for construction and repair identified in the Quality of Care study. The projects deferred to a later fiscal year would include:

Emergency generators and electrical requirements (\$46,171,000);

Ambulatory care space requirements (\$9,167,000);

Air conditioning requirements (\$51,856,000); and

Safety and fire protection requirements (\$1,057,000).

The Committee is gravely concerned about the pace at which the VA is being allowed to correct these most serious construction

and repair deficiencies. With a decrease in requested budget authority for fiscal year 1977 of close to \$200 million, construction obligations and outlays can be expected to decline sharply after fiscal year 1977, unless there is a substantial fiscal year 1978 appropriation for this purpose. The Committee views such a substantial budget authority figure as essential for fiscal year 1978 in order to finish the task of implementing the recommendations of the Quality of Care study. It also must be recognized that rising construction costs will increase the costs of completing these remaining construction and repair recommendations over the amounts recommended in that study.

In addition, with respect to fiscal year 1978 requirements, the Committee notes that independent studies have been completed (the last one in late February), on modernization/replacement of seven existing hospitals and construction of one new hospital. In order to permit all eight studies to be evaluated together, the fiscal year 1977 budget request includes no funds for any new starts for modernization/replacement or new facilities. Since many of the hospitals being studied for replacement are World War II temporary facilities and since the average construction cost per bed of \$106,000, this fiscal year will almost certainly be 15 percent higher by fiscal year 1978, the Committee believes that the fiscal year 1978 budget must include a clear plan and forecast to begin the modernization and replacement of these outdated facilities.

The fiscal year 1977 budget authority request for assistance for health manpower training institutions under chapter 82 of title 38 is \$35,000,000, an increase of \$5,000,000 over the fiscal year 1976 appropriation. Of this \$35,000,000, \$9,200,000 is requested for continued support of the five new State medical schools supported under subchapter I of chapter 82, and \$25,800,000 is requested for continued support of 98 grants made under the authorities of subchapters II, III, and IV of chapter 82 for the support of expanded training programs at affiliated health personnel training institutions.

The overall VA medical care, administration, research, construction, health manpower assistance, and other grant programs budget requests for fiscal year 1977 total \$4,567,300,000, down \$60,000 from the total appropriation already made or pending in a supplemental appropriation request for fiscal year 1976. Outlays, however, are projected to increase over this same period by \$439.1 million—from \$4,219,600,000 to \$4,658,700,000 an increase of 10.4 percent. Excluding requests for construction and the revolving supply fund (which received a \$120 million deficiency appropriation in fiscal year 1976), the other medical items show a budget authority increase of \$313.2 million and an outlay increase of \$391.5 million. Given the need to keep Federal spending within reasonable constraints, the overall hospital and medical budget request is considered generally adequate based on the workload projections and other estimates on which the budget request is premised, with the exceptions noted in part IV. D. of this report.

The Committee is giving serious consideration to S. 2908, the Veterans Omnibus Health Care Act of 1976, and approval to many of its provisions is considered likely. Introduced on February 2, 1976, the measure includes several major provisions, many of which are described on page 5 of the Committee's March 15, 1975 report to the Senate Budget Committee, several of which are cost-containment initiatives, and a number of which have already passed the House of Representatives in separate bills. Hearings were held on this and related legislation on February 18 and 19, and the VA is currently revising its cost estimate of S. 2908. The Congressional Budget Office is also now working on precise cost estimates. The complexity of

this legislation makes precise cost estimation difficult at this time; but, based on information now available, the Committee estimates that enactment of S. 2908 with certain anticipated cost-saving modification will entail additional expenditures of \$110 million in fiscal year 1977. This legislation includes a proposal to increase the per diem payable by the VA to State homes for the provision of domiciliary, nursing home, and hospital care to veterans, for which legislation has already passed the House of Representatives (H.R. 10394). Also, pending Senate consideration is H.R. 71, legislation to extend eligibility for hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II, which passed the House unanimously and has been reported by this Committee. Costs entailed by enactment of this legislation are considered minimal.

One further piece of spending legislation which will almost certainly be considered by the Committee will be an extension of the existing special pay authority enacted in Public Law 94-123, the Veterans' Administration Physician Pay Comparability Act of 1975. Under this law, the authority to enter into new special pay agreements will expire on October 11, 1976. That law requires the Director of the Office of Management and Budget to report separately to Congress by August 31, 1976, on long-range solutions to achieving physician and dentist pay comparability throughout the Federal Government. The best indications now are that a 1-year extension of the Public Law 94-123 authority will be necessary, with an estimate of approximately \$6 million in both budget authority and outlays in fiscal year 1977.

One other piece of health care legislation pending before the Committee which has cost impact is legislation to extend the authorization of appropriations for the Exchange of Medical Information program, already passed by the House of Representatives (H.R. 3349). The pending Senate measure is contained in section 121(c) of S. 2908 (which section proposes an extension of the appropriations authorization through fiscal year 1980 at such sums as may be necessary). The estimates for budget authority and outlays for such an extension for fiscal year 1977 is \$3.5 to \$4 million. The Committee plans to act on this extension legislation so as to secure enactment in time for the fiscal year 1977 appropriations cycle.

In total, then, the Committee plans to proceed with new spending/budget authority legislation in subfunction 703 for fiscal year 1977 totalling approximately \$116 million and with legislation authorizing an extension of one existing program with projected budget authority and outlays of \$3.5 to \$4 million.

E. Housing and insurance (subfunction 704 and subfunction 701)

The Veterans' Administration Housing program assists veterans by providing guaranteed, insured and direct loans for veterans to purchase conventional, mobile homes and condominium housing. Since the program was initiated by the Servicemen's Readjustment Act of 1944, 9,298 million veterans have received Veterans' Administration guaranteed loans in the amount of \$120 billion.

The Committee unanimously ordered reported S. 2529, the Veterans Housing Amendments Act of 1976 on March 10, 1976. The measure would: (1) Extend eligibility under chapter 37 to veterans who served exclusively between World War II and the Korean conflict—between July 25, 1947, and June 27, 1950; (2) increase the VA direct loan program maximum loan amount from \$21,000 to \$30,000 and further increase the maximum amount in "excess cost" areas from \$25,000 to \$35,000; (3) make the direct home loan program permanent; (4) increase the maximum VA mobile home loan guaranty from 30

to 50 percent; (5) preempt state constitution interest limitations on FHA and VA home guaranteed loans in certain circumstances; and (6) make a number of technical amendments. The Committee estimates there will be no increased cost under clauses (3), (5) and (6). It is estimated that clause (1) will increase general operating expenses by \$37,100 and increase budget outlays by \$10,500 from the loan guaranty revolving fund and by \$150,000 from the direct loan revolving fund. Clause (2) will necessitate an increased budget outlay of \$2.65 million from the direct loan revolving fund. Finally, clause (4) will require an increased budget outlay of \$2.6 million from the loan guaranty revolving fund.

There are 8 insurance programs either supervised or administered by the Veterans' Administration which provide life insurance coverage to 8 million veterans and servicepersons. Face values of the insurance provided exceed \$100 billion.

The Committee unanimously reported S. 1911, the Veterans' Insurance Amendments Act of 1976 (Sen. Rep. 94-689) on March 10, 1976. The measure would: (1) Provide eligible veterans with the option of converting Servicemen's Group Life Insurance (SGLI) upon the expiration of such coverage to an individual policy including a term policy; (2) provide eligible veterans with the option of converting Veterans' Group Life Insurance upon the expiration of such coverage to an individual policy of term insurance; (3) extend for 1 year after enactment of the act the period during which veterans extended retroactive eligibility by Public Law 93-289 may apply for VGLI policies; and (4) make certain technical amendments. The Committee estimates the increased costs of S. 1911 to be \$850,000 for administrative expenses.

III. BUDGETARY IMPACT OF ACTION ON PRESIDENTIAL LEGISLATIVE PROPOSALS

A. Readjustment benefits (subfunction 702)

The Administration has once again requested legislation to repeal the 2-year extension of delimiting period for readjustment assistance benefits provided by Public Law 93-337. Currently veterans have up to 10 years after separation from service to use their educational benefits. If the President's proposal is enacted, it is estimated that such legislation would affect 367,000 Vietnam era veterans and would reduce outlays by \$624 million in 1977.

The Administration also proposes legislation which would eliminate new GI bill enrollments in either flight or correspondence school programs. If enacted into law, it is estimated that outlays would be further reduced by \$35 million in 1977.

The repeal of Public Law 93-337 requested in the President's fiscal year 1976 budget was not assumed in either the first or second concurrent resolution on the budget adopted by Congress in fiscal year 1976. Successful passage of such legislation is considered today, as then, highly unlikely.

Finally, the Administration proposes to terminate GI educational benefits for service persons who enter military service after enactment of such legislation. Provisions contained in H.R. 9576, which passed the House of Representatives, October 6, 1975, by a vote of 298-106, would terminate the GI bill for those entering the service after December 31, 1976. It is estimated that there would be cumulative reduced outlays of \$1.5 billion in a 5-year period.

However, if the proposal were enacted into law, the projected savings for all of fiscal year 1977 would only be \$54 million. If a December 31, 1976 effective date were chosen instead, outlays would be reduced by \$40.5 million for fiscal year 1977.

Considerable interest has been expressed in the foregoing legislation and a decision by Congress this year as to the long range future of the GI bill is expected.

It would appear unlikely, however, that action either to terminate or alter the present program would become effective prior to the end of the calendar year and, hence, the immediate fiscal impact of such a decision would be minimal.

B. Medical care (subfunction 703)

The Administration has also requested legislation to effect reimbursement to the VA by private insurers for the cost of VA inpatient hospital care and medical services provided for the non-service-connected disabilities of certain veterans with health insurance coverage. Enactment is estimated to reduce budgetary outlays by \$130 million in fiscal year 1977. Identical proposals have been submitted annually since 1970 without favorable action by either body. This proposal is under close scrutiny by the Committee at this time. However, even if enactment is achieved this Congress, it seems very clear that no significant outlay savings will be realized in fiscal year 1977. Therefore, the Committee recommends that the medical care outlay total in the President's budget be increased by \$130 million.

C. Additional legislation or administrative initiatives

The Administration has proposed that grants be provided to states for the establishment and operation of veterans cemeteries. Such a measure is intended to expand the number and geographic distribution of veteran burial sites. The Federal Government would be authorized to contribute up to 50 percent of the total value of the land and improvements with certain limitations on the amount any state could receive in any fiscal year. Cost for fiscal year 1977, contingent upon state usage, is estimated at \$4 million. The Administration in their budget, recommends new budget authority for 1977 of \$5 million.

The Administration has also requested legislation to reduce Veterans' Administration burial benefits in certain circumstances. If enacted the proposal would result in savings of \$85 million for fiscal year 1977. Identical proposals have been submitted in most presidential budgets of the last several years without favorable action by either body. It is equally unlikely that this legislation will receive approval in the current fiscal year or next.

IV. COMMENTS ON PRESIDENT'S BUDGET ESTIMATES FOR PROGRAMS ALREADY AUTHORIZED

A. Compensation and pension (subfunction 701)

The compensation population is now generally stable following termination of hostilities in Vietnam. The Veterans' Administration has estimated that the compensation workload for 1977 will decrease slightly from 1976 levels in both veteran and survivor categories.

Unit cost for veterans and survivors continues to increase which in part reflects a continuing climb in average degree of disability which in 1975 reached 30.6 percent. The Administration's budget does not contain any cost-of-living increase in the compensation program to offset the increases in the Consumer Price Index which have caused the erosion of the purchasing power of the benefits.

Contrasted with a generally stable service-connected disabled veteran population, the non-service-connected pension population is increasing as the average age of World War II veterans increases (currently 57.5 years old). However, the Administration has estimated that the fiscal year 1977 pension outlay will decline \$151.3 million from fiscal year 1976. The President's budget attributes this decline to increased mortality of World War I beneficiaries, and reduced eligibility because of anticipated social security increases and the September 30, 1976 termination of

veteran pension cost-of-living increases authorized by Public Law 94-169.

The Administration's budget fails to recommend or assure that the interim increases provided by Public Law 94-169 will be made permanent. Such an assumption which will adversely affect over 1.3 million pensioners is unrealistic and, hence, the budget is understated by at least \$198.9 million. The Administration's Budget also fails to make any provision for a cost-of-living increase in pension to respond to the 7.1 percent social security increase currently projected to take effect in July 1976. Nor does it make allowance for enactment of S. 2635, the Veterans and Survivors Pension Reform Act which unanimously passed the Senate December 15, 1975.

B. Readjustment benefits (subfunction 702)

The Administration proposes that \$4,873,000,000 be appropriated to finance educational and rehabilitative assistance for 2,870,000 veterans and dependents. This request is a decrease of \$1,341.5 million from the \$6,214.5 million currently estimated for 1976 which the Administration regards as the peak year of expenditures under the current program. As noted previously, the Administration's budget contains no provision for a cost-of-living adjustment in educational benefit allowances. It is estimated that by October 1, 1976, the cost of living will have increased 14.5 percent since September 1974, the effective date of the last increase.

C. General operating expenses (subfunction 705)

General operating expense funds (GOE) requested in the President's budget are used to provide for the administration of non-medical veterans benefits through the Department of Veterans Benefits; operation and maintenance of 103 national cemeteries by the National Cemetery System; data processing operations and communications systems through the Department of Data Management; and top management direction and support through Agency-level staff officers. The fiscal year 1977 appropriation budget authority requested by the President totals \$512,883,000. Outlays are estimated at \$512,447,000.

Although this request represents a \$50 million increase over 1976 levels, the amount would appear insufficient in view of the Veterans' Administration's program responsibilities. The Committee understands that the Veterans' Administration submitted to the Office of Management and Budget a prospective GOE budget of \$542.4 million (down from field estimates of \$546.8 million and Department and staff office estimates of \$545.1 million).

The President's budget, as submitted to Congress, however, only requests \$512.9 million. The \$30 million additional originally requested by the Veterans' Administration would appear more realistic and should be restored to the budget for a number of reasons.

First, the Committee is aware that it is the Administration's intent to reduce improper GI bill payments by use of increased compliance surveys and accelerated collection of overpayments. Successful efforts would result in significantly reduced Federal outlays, but sufficient additional VA personnel will be needed to assure the success of such efforts.

Second, the President's budget assumes enactment of the Administration's proposal to reduce the delimiting date for use of educational benefits from 10 to 8 years. But, as previously noted, enactment of such legislation is considered highly unlikely. As a result, there will be more GI bill trainees in fiscal year 1977 than the budget currently assumes which will require that the numbers of veterans representatives on campus and Disabled Veterans Benefits (DVB) personnel be

revised upward to reflect the increased need for their services.

Third, the President's budget fails to accord sufficient man-years to permit expansion of the veteran outreach program. As a result, it is the Committee's understanding that expansion has been deferred pending availability of additional personnel. The success of veterans' programs is grounded, in part, by the dissemination of information in regard to benefits available. Expanded and extensive outreach activities to assure that information and assistance are provided for the educationally disadvantaged and disabled must be funded and to this extent the President's budget is an understatement of the need.

D. Medical care (subfunction 703)

The Committee believes the medical needs of veterans will require increases over the budget requests, in VA medical care budget authority and outlays, totalling \$114.3 million (5,138 full-time employment equivalency (FTEE)):

1. *Medical care* \$95.8 million (4,964 full-time employment equivalency).

a. *Staffing to meet workload underestimates*.—Additional staff (3,700 full-time employment equivalency for a total cost of \$68.9 million) is needed to meet increased inpatient and outpatient workloads estimated for fiscal year 1976, which will certainly be maintained during fiscal year 1977. In the fiscal year 1976 budget, funds are provided for approximately 1.2 million inpatient visits and 12.77 million outpatient staff visits. Actual experience during the fiscal year reveals that the number of outpatient staff visits was underestimated by about 1 million visits. This underestimate is reflected in the projected workloads for fiscal year 1977 contained in the fiscal year 1977 budget request.

b. *New activations*.—The activation of 2,068 beds at one new and three replacement hospitals in the VA health care system are scheduled for fiscal year 1977. In addition, 583 nursing home care beds at 8 locations are scheduled for activation in fiscal year 1977. Yet, no additional staffing for these new activations is provided for in the fiscal year 1977 budget request. The amount necessary for these purposes if all activations meet present schedules is \$12.2 million (609 full-time employment equivalency) for the hospitals (including 155 full-time employment equivalency for activation of new projects at 75 facilities) and \$7.7 million (500 full-time employment equivalency) for the nursing home care beds. If these activations are not adequately funded, then opening dates will be delayed and staff and funding will have to be drained off from other areas within the system.

In view of the likelihood of some slippage in achieving activation of all of these beds and projects on schedule, however, budget authority and outlays of \$14 million for 759 full-time employment equivalency would be expected for these new activations.

c. *Hospital mission change*.—In order to begin staffing the conversion of certain non-affiliated, slow-turnover hospitals to rapid-turnover, acute facilities and the conversion of certain psychiatric hospitals to general medical and surgical hospitals, an additional \$4.8 million in outlays and budget authority to support 300 full-time employment equivalency, would be needed which is half the amount which the VA requested for this purpose and which the Office of Management and Budget denied. These conversions are major aspects of upgrading the quality of care at these hospitals.

d. *Education and training*.—New affiliations with medical and dental schools in fiscal year 1977 will produce a need for more physicians and dentists participating in residency and other training programs in VA health care facilities. The budget re-

quest, however, projects no increase in the number of training positions. Nor does it contain funding for a new Regional Medical Education Center (RMEC). Additional budget authority and outlays of \$7 million for 200 FTEE personnel are needed to meet residency and intern needs at new affiliations and to establish a fifth RMEC.

e. *Alcohol treatment units*.—Given the extent of the problem, the VA should continue to move toward establishing a specialized alcoholism treatment unit at every VA hospital in a major metropolitan area or where the patient demand indicates a need for such a unit. The General Accounting Office in a September 1975, report identified 15 such areas, including the city with the highest incidence of alcoholism in the Nation, where such units were needed, especially given the high proportion of VA patients with alcoholism-related diagnoses. VA hospitals in four of these very populous areas have since established a unit. The GAO study determined that about 3 million veterans suffer from alcoholism, and that alcoholism is the illness most frequently diagnosed in VA hospital patients. A census taken by the VA during 1970 and 1973 indicated that from one out of every five patients in 1970 to one out of every four in 1973.

To meet this great need, the VA has identified 46 locations where alcohol treatment units should be established, at a funding level of \$216,000 (10 FTEE) per unit. Increased budget authority and outlays of \$1.1 million (50 FTEE) to add 5 new alcoholism treatment units (the number the VA requested and the Office of Management and Budget denied) in those geographical areas of highest priority will be required. Funds for activation of additional units in high-priority areas will also be necessary in the fiscal year 1978 budget.

2. *Medical research* \$7.4 million (150 FTEE).

The standstill budget authority request for medical and prosthetic research, which has not grown, in real dollar terms, since fiscal year 1975 despite an inflation rate in excess of 15 percent, threatens the continued vitality of the research program. Compounding the problem are two factors: The low funding, for the third year in succession, for major construction of research and educational facilities in the new fiscal year budget; and the demoralization of senior VA research physicians who have been denied the benefit of special pay under Public Law 94-123 by the administrative decision of the Chief Medical Director. Unless additional funds are provided for the research program in fiscal year 1977, that program is likely to suffer grave and potentially irreparable damage, to the detriment of the VA's entire medical care efforts. There is a need for \$7.4 million in additional funding for the VA's research program to combat inflation and to permit the hiring of 150 FTEE employees, the continuation of existing research projects (including new emphasis on spinal cord injury research and expanded support for the Geriatric Research Education and Clinical Centers), and the initiation of important new projects (especially new cooperative studies).

3. *Assistance for health personnel training institution* \$10.5 million.

The \$9,200,000 requested for subchapter I assistance to new State medical and dental schools under chapter 82 is sufficient to provide the support necessary for the VA to carry out its commitments to the five new medical schools already identified. There are no pending requests for support of the establishment of other new medical schools.

However, there is currently a backlog of approved but unfunded grants under the other subchapters of chapter 82 totalling \$14,762,000, and it is expected that another \$9.5 million in grants will be approved in

the review cycle scheduled for March to June 1976. The requested amount includes no funds to support any new programs. The projects which have been supported in the 2 years of this program have resulted in expanded affiliations with health personnel training institutions, have strengthened the VA's ability to provide quality care, and have expanded the training capacity of the affiliated institutions. Therefore, an addition of \$10.5 million in fiscal year 1977 over the amount of the budget request to enable the VA to support the most significant of these grant applications under subchapters II, III, and IV is required.

4. MAMOE: \$0.6 million (24 FTEE).

The Department of Medicine and Surgery has recently undertaken a major emphasis on regionalization of its field organization responsibilities so as to provide for more efficient and effective use of resources. It has also undertaken a utilization review and quality assurance program at each VA hospital, called Health Services Review Organizations.

However, despite these impressive beginnings, the budget underfunds these two critical activities designed to make VA health care most cost-effective. To provide more adequate funding, the MAMOE item should be increased by \$0.6 million (24 FTEE).

V. SUMMARY

In summary, the Committee estimates that a minimum of \$20,442.3 million will be required for fiscal year 1977 with respect to matters within the jurisdiction of the Committee on Veterans' Affairs. This total consists of \$17,196 million budgeted by the President, \$928 million from likely non-enactment of certain Administration proposals, \$2,174 million from probable enactment of cost-of-living legislative initiatives, and \$144.3 million for additional needed appropriations for existing budget authority.

This Committee estimate for fiscal year 1977 is \$1,816 million or 9.7 percent greater than the current services base for fiscal year 1976 as projected by OMB in November 1975. The Committee, since that date, has been informed that the estimate for fiscal year 1976 should be revised upwards and that a range from \$19,400 million to \$19,900 million would be a more accurate current services base. Thus using these revised figures, the estimate we have projected for fiscal year 1977 is only \$1,000 million to \$500 million (5.4 percent or 2.7 percent) greater than fiscal year 1976 outlays.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORTS CONTROL ACT OF 1976-77

The Senate continued with the consideration of the bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

Mr. ALLEN. Mr. President, what is pending?

The PRESIDING OFFICER. The pending business is S. 3439 and the pending question, the Chair advises the Senator, is the amendment of the Senator from Alabama to the pending business.

Mr. ALLEN. I thank the Chair.

Mr. President, the amendment that I in southern Africa to carry out the provision authorizing the appropriation of \$25 million to certain unnamed countries in southern Africa to carry out the proposals made by the Secretary of State in Lusaka, Zambia, on April 27, 1976.

The bill does not state what countries would be the beneficiaries of this largess on the part of the American taxpayer.

But the speech of the Secretary, outlining the various proposals that the Secretary makes in this speech, says that:

In accordance with this U.N. resolution, the United States is willing to provide \$12.5 million of assistance to Mozambique.

Elsewhere in the bill I believe there is a provision saying that we are not going to assist anyone where human rights are not being respected.

Let us look at Mozambique and their record and see why we should pay to Mozambique any amount of money to help that repressive regime.

Mr. President, there is an interesting editorial in the Washington Post of Friday, May 28, 1976, and I suppose the Washington Post is just about as left leaning as any reputable newspaper in the country. They never speak out that I recall against foreign assistance in any amount. But this support of Mozambique and other revolutionary regimes in Africa was just too much for even the Washington Post to stomach.

I am going to read some from this editorial and comment possibly parenthetically on this proposal as the Washington Post sees it. It is not too often that the Washington Post agrees with the positions advocated by the Senator from Alabama, but sometimes we can find wisdom in strange places. Here we seen one instance of that where the Washington Post does support my position in this connection. The Washington Post has this to say:

The war in Rhodesia is drawing American policy into an inconsistency that ought to be given a careful look before it hardens into a major contradiction. On the one hand the Ford administration is trying to mobilize international pressure to remove the Cuban troops already in Angola by way of ensuring among other things that they won't be used in Rhodesia. On the other hand, the administration is asking Congress for \$12.5 million in aid to Mozambique; this money will make it that much easier for Mozambique to weather the effects of suspending economic ties with Rhodesia.

Mr. President, the justification for this \$25 million authorization recommended by the Committee on Foreign Relations at the instance of Mr. CLARK, the distinguished Senator from Iowa, who is the chairman of the African Affairs Subcommittee of the Committee on Foreign Relations, is to aid the repressive regime in Mozambique to try to topple by whatever means are necessary the stable government in Rhodesia.

So here the Washington Post is calling attention to the fact that we are trying to move Cuban troops from Angola; yet, if this amendment is not adopted, we are aiding Mozambique in sending guerrillas and revolutionaries into Rhodesia.

So, the Washington Post seems to be of the attitude of suggesting that when we criticize Cuba for being inside Angola, and we are paying Mozambique in effect to send revolutionaries and guerrillas into Rhodesia, what is the difference? That is the effect of the Washington Post editorial so to say we are moving in the direction of a major contradiction in our policy.

The attitude in the Senate, I am sorry to say, all too often is: "So there is a contradiction; what of it? This seems to

be the policy to pursue at the moment, and we want to pursue it."

Not only this \$25 million is involved. The bill also provides for \$60 million. The reason this amendment is not directed to that is that that does not say that that \$60 million is to implement the Secretary's new African policies. But to show you a further contradiction that this provision is moving us toward on the floor of the Senate, they voted down aid to Angola. If I am not mistaken, some of the very people who support this \$85 million for the African nations that join in the conflict against Rhodesia were the same people who opposed aid to certain factions in Angola.

What were those factions? We heard it said on the floor of the Senate that Zaire was one of the recipients of some of this Angolan aid money. If I am not mistaken, Zambia would come in on that, because they were aiding the factions in the south of Angola, I believe, and Zaire was taking care of the people in the north. But that was voted down when there was some hope of heading off the Cubans and the Marxists.

Now, after having seen Angola taken over by the Marxist regime—or having seen the Marxist regime stay in power—and the Cubans, 15,000 strong, take over Angola, they seem to have made an about face and say, "Let's give \$30 million to Zaire and \$30 million to Zambia."

I assume that the Senators who are advancing this argument will read the RECORD tomorrow, because not one of them is in the Chamber at this time. I assume they will bother to read the RECORD. If not, it seems to me that they do not want to learn a great deal about what is in their own bill.

In any event, Mr. President, one reason why I took the floor at this time is that when the time has expired for the germaneness rule of 3 hours from the time legislative business is transacted, I may wish to comment on the legislative situation that existed in the Senate on last Friday and some of the tactics used by the leadership to ram through to presentation a cloture motion with respect to a bill that was pending before the Senate at that time but now is not pending because the unfinished business is pending.

I will have something to say about that in a moment. I believe that the time will be up about 2:30. At that time, the Senator from Alabama will move to another subject.

Let us analyze this a little, with respect to the budget resolution. This \$85 million was not included in the President's budget. It was not included in the congressional budget. Everybody wants to climb aboard this \$85 million, and I daresay that it will be voted. I want to lay the case in the RECORD for all to see.

Any opposition to the monolithic thinking that exists in the Senate and in the media does not get any notice or any coverage, because this \$85 million is dear to those who think in political terms. It would be a fine sop to those who are interested in support of the revolutionary movements in Africa.

However, I will continue with my analysis of the position of the Washing-

ton Post with regard to the provisions I am seeking to strike.

I am glad to see my distinguished friend the Senator from Minnesota in the Chamber. I was commenting on the fact that the Washington Post, which more generally supports the views of the distinguished Senator from Minnesota (Mr. HUMPHREY) than the views of the Senator from Alabama—in effect, calls this \$85 million provision “American support of African violence.” I do not suppose the Senator realizes that that is what this provision calls for—American support of African violence. Now that the Senator realizes that is the case, I hope his support of this provision will lessen somewhat and that his enthusiasm will dampen.

The Washington Post says, in effect, that this provision calls for \$12.5 million in aid to Mozambique, and this money will make it that much easier for Mozambique to weather the effects of suspending economic ties with Rhodesia.

Not to put too fine a point on it, I think what that means is that this \$12.5 million also will make it that much easier for Mozambique to fund the operation of thousands of Rhodesian guerrillas that Mozambique is sponsoring against Salisbury right now.

That is the effect of what we are doing, according to the Washington Post, and I think their conclusion is correct.

While they criticize me on the one hand for some of my views, they say:

We think nonetheless he—

That is, the Senator from Alabama, now speaking—

is right to ask why the United States should support an armed attack on an established government across an international border—regardless of how reprehensible that government may be and irrespective of how it holds power.

You don't have to be soft on Salisbury—and we wouldn't exactly place ourselves in that category—to be worried about whether even indirect American collaboration with Mozambique in this enterprise would not create a questionable precedent in a highly explosive situation. It would move Washington uncomfortably closer to doing in Rhodesia exactly what it criticized the Soviets for doing in Angola. American sympathy for black liberation should be unhesitating and beyond question.

Certainly, the Senator from Alabama shares a similar view.

But whether the United States should support this objective by lending its financial weight to a policy of violent intervention is quite a different issue and one that is fraught with more than enough perils and pitfalls to justify a prompt and full debate.

Mr. President, let us see; we do not know a great deal about Mozambique, this beneficiary of \$12.5 million in assistance from the American taxpayer. We know that it closed its borders to Rhodesia. The Secretary says, “All right.” I do not know where his authority is going to come from. Let us see what he said. This is the sixth item in his speech:

6. As in the case of Zambia a few years ago, steps should be taken in accordance with the recent U.N. Security Council resolution.

Mr. President, why did he not quote an act of Congress as his authority

rather than “in accordance with the recent U.N. Security Council resolution?” I should think he would be governed by the laws, policies, statutes, treaties, or the Constitution of the United States of America, and not to cite as his authority that steps should be taken in accordance with the recent U.N. Security Council resolution to assist Mozambique “whose closing of its borders with Rhodesia to enforce sanctions has imposed upon it a grave additional economic hardship.” In accordance with this “U.N. resolution”—not an act of Congress, Mr. President; not direction by the President; and if he did receive the President's direction, that would not make it right—in accordance with this “U.N. resolution.”

I was commenting on the fact, I say to the distinguished Senator from North Carolina (Mr. HELMS), that the Secretary, in his speech giving his reasons for proceeding in saying that they are going to give Mozambique \$12.5 million, gave the fact that it is in accordance with the recent U.N. Security Council resolution. He did not cite any act of Congress, any resolution of the Senate, any treaty or provision of the Constitution. He is going by the U.N. Security Council resolution. They are going to provide, the U.S. taxpayers, he says, “are willing to provide \$12.5 million of assistance.” It goes on:

The United States, together with other members of the United Nations—

How in the world does he know that?

The United States, together with other members of the United Nations.

Why, the other members of the United Nations have not been too much interested in going along with positions of the U.S. Government. We generally are outvoted about 130 to 2 or 3. And he is saying the United States, together with other members of the United Nations. I do not believe he is speaking for the United States at that point.

Then he takes it on himself to speak for the other members of the United Nations. I think he went too far in the first place, but certainly he went too far when he sought to speak for the United Nations. I wish he would tell us some of the things that are going to go on there in the United Nations, some of the positions that the members of the United Nations are going to take.

So, Mr. President, here is the Secretary, whom I admire very much as a great Secretary of State and a man who has accomplished much—at one time in the Senate, when he was under attack in connection with an effort to link him with certain phases of Watergate, I introduced a resolution in the Senate expressing complete confidence in him and our belief in him and the role he was playing in representing the United States as Secretary of State, and our feeling that he was in no way involved in the improper activity, or words to that effect. I succeeded in getting 51 Senators to cosponsor that resolution. I still have great confidence in the Secretary of State as being a man of honor, but I do not always agree with his position. Here is a position to which I take violent excep-

tion, since we are talking about violence in Africa here. I take strong exception to his African policy, which would reward nations in Africa for seeking to topple one of the two or three stable regimes in this entire continent of chaos.

What he says of the United States, together with other members of the United Nations, is that we are ready—reading from his speech—

To help alleviate economic hardship for any countries neighboring Rhodesia which decide to enforce sanctions by closing their frontiers.

Mr. President, this, in effect, is, I will not say bribing these nations; it is giving them millions of dollars, call it what you want to—a subsidy, a payment, the American taxpayers' money—call it what you want to, but he is saying, as to any nation bordering Rhodesia that imposes economic sanctions against Rhodesia, the United States and the other members of the United Nations will pick up the tab for their economic loss.

As the Washington Post points out, we would not say that we are giving Mozambique money to finance revolutionaries and guerrillas, but it points out that by giving them this money for their economy, it better enables the other nations to support their revolutionary and guerrilla activities in Rhodesia.

Mr. President, the Washington Post warns that we are moving toward a major contradiction and I think that, certainly, they are absolutely right.

THE ANTITRUST IMPROVEMENTS ACT OF 1976

Mr. ALLEN. Mr. President, the time for germaneness in debate, I believe, has expired. I wish, therefore, at this time to discuss—I guess I should say for the benefit of the Members of the Senate, but very few Senators are present except some of the most important ones. For that reason, I want to comment on the parliamentary situation that took place on Friday and thereby to explain why I have, from time to time, made objections to certain procedural moves here in the Senate.

The antitrust bill came up by unanimous consent on last Tuesday, and it was understood that a cloture motion would not be filed before Thursday. Wednesday was used on the military procurement bill. On Thursday, the antitrust bill was before the Senate all day, had innumerable motions, motions to table, amendments. The Senator from Alabama offered an amendment to the antitrust or a substitute to the antitrust bill. It was a substitute; opponents sought to table it and failed to do that. Then they sought to add a substitute to that and they failed to do that, and they sought to add an amendment to that and failed to do that. Then they would not let it come to a vote. But all that time, they had a right to file cloture had they so desired.

I suggested to the ones who wanted to file cloture that it would be well to file their cloture petition on Thursday. They said, well, they did not want to do that

because they did want to vote on it today.

I do not think the first day of the week ought to be a throwaway day in the Senate. I think we ought to transact the Nation's business and I do not think we ought to try to accommodate Senators who want to come in here at 4 o'clock in the afternoon, if at all.

So that had no merit to it. So rather than filing it on Thursday they took the chance of filing it on Friday. There was sufficient doubt as to whether there was a quorum, and it is questionable as to whether if they got it at all on Friday it was by a mere one, and they had to squeeze quite a bit to get that.

At any rate, while the Senator from Alabama had the floor at the time of transacting routine morning business and planning at the end of his allowed time of 5 minutes to put in a quorum call, he first saw the distinguished Senator from Virginia, who had had 15 minutes time allotted to him, and had it erased by the Chair because he was not here at the time, the Senator from Alabama asked unanimous consent that he might have that time and not take it out of the time allotted for routine morning business. So the Senator from Alabama made that unanimous-consent request.

The distinguished assistant majority leader had this to say on page 15905, after I made the request:

Mr. ROBERT C. BYRD. I object.

Mr. ALLEN. The Senator can object. I made a request.

Mr. ROBERT C. BYRD. The Senator lost the floor when he made the request, and I objected.

The very next item, the Acting President pro tempore, who was the distinguished Senator from Montana (Mr. METCALF) then immediately recognized the Senator from West Virginia.

Now, let us see what Mr. ROBERT C. BYRD said later on that morning, some 10 or 15 minutes later, as to how valid that point was that he made. I refer to column 1 on page 15907. Mr. ROBERT C. BYRD, answering comments I had made, said:

On the question of Mr. ALLEN's losing the floor after he made a unanimous-consent request, there is a precedent which could support Mr. ALLEN's position. Nevertheless, I could, I think, make a good case for a Senator's having lost the floor when he makes a request and it is objected to. But as the precedents now stand, the Senator from Alabama is correct.

I was not only correct at that time, I was correct at the time the objection was made, and the point was made that it took the Senator from Alabama off the floor and, naturally, the distinguished Presiding Officer, Mr. METCALF, followed the advice from the floor. Had the Senator from Alabama not been taken off the floor he would have suggested the absence of a quorum, there would have been no quorum established, and the cloture motion could not have been filed; today the unfinished business is brought down and the antitrust goes back to the calendar.

Mr. President, the antitrust legislation concerns the Senator from Alabama very

little, but how the people of Alabama are treated here on the Senate floor in this treatment accorded one of their Senators is of great concern to the Senator from Alabama.

The Constitution of the United States says that no State shall be deprived of its equal representation in the Senate. Well, Mr. President, if the Senator from Alabama cannot get the benefit of the Senate rules, he is being denied equal protection of the Senate rules, and the people of Alabama are being denied their equal representation in the United States Senate.

Now, Mr. President, that is a minor item to what came later.

When the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) got the floor he said, and I am reading here from page 15906:

Mr. ROBERT C. BYRD. Mr. President, I am going to make a nondebatable motion.

I move that the Senate proceed to the consideration of H.R. 8532.

Mr. ALLEN. Mr. President—

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

Mr. ALLEN. Mr. President—

And just about that loud, if not louder—

Mr. ROBERT C. BYRD. Mr. President, the motion is not debatable.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President—

Listen to this amazing advice from the floor, from the leadership—

Mr. ROBERT C. BYRD. Mr. President, the Senator does not have to be recognized.

Now, what kind of advice is that coming from the leadership, Mr. President? If I act like I am sore about this, I am. What kind of advice is that? The distinguished Vice President apologized to this Senate and said that he, in the future, would always recognize a Senator when he was on his feet. I was right here at my desk, no technicality could be raised of my being someplace else. What sort of business is that here in the U.S. Senate?

All right. "The Senator does not have to be recognized" is the advice coming from the leadership to the Chair. What do you think the Chair is going to do, the Chair being Mr. METCALF from Montana. What do you think he is going to do? Do you think he is going to recognize the Senator from Alabama? Why, of course, he did not.

Mr. ROBERT C. BYRD. Mr. President, I suggest the clerk read the title of the bill.

Well, the title never was read, so I do not know whether the bill ever became pending.

The ACTING PRESIDENT pro tempore. The motion is not debatable.

The question is on agreeing to the motion. The motion was agreed to.

All right.

For now we have, assuming the bill is now pending here, eligible for a cloture motion or eligible to have a request for the years and nays, a motion to recess, a motion to adjourn, a motion to table, all of these things would be in order.

Mr. ROBERT C. BYRD. Mr. President, I ask that the clerk state—

He is still trying to get the title stated, but it never was stated, according to the RECORD, here.

Mr. ALLEN.—

This is before the cloture motion was ever read, the bill pending, and I have got a right to make any sort of motion I want to with respect to the bill now that it is pending, and I certainly ought to be able to get recognition. Nobody else is asking for recognition.

Mr. ALLEN. Mr. President, I am asking for recognition.

The ACTING PRESIDENT pro tempore. Just a moment.

Mr. ALLEN. Mr. President—

Silence from the Chair.

Next the cloture motion is filed.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a cloture motion.

And it is read.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum. Point of order, Mr. President.

It goes on. I tried to raise a point of order that the business was not the pending business, but that is beside the point. On two occasions the rules were not adhered to. The Senator from Alabama was taken off the floor because of advice from the leadership that I had lost the floor when I made a simple unanimous-consent request. Then when I was yelling at the top of my voice for recognition, the only Senator asking for recognition, at one time the Presiding Officer said, "Just a moment," and he goes on with the proceeding, and then there is advice from the floor by the leadership that the Chair does not have to recognize the Senator from Alabama.

I view that cloture motion as absolutely void and illegal. But that is beside the point. All that is beside the point, Mr. President.

What I object to and what I resent on behalf of the people of Alabama is the fact that at a critical time in the parliamentary proceedings here on the Senate floor, the Senator from Alabama was denied the right guaranteed him by the Senate rules to get recognition.

To say the motion was nondebatable, that has not a thing, Mr. President, to do with it—as Mr. ROCKEFELLER found out, causing him to apologize to the Senate and to pledge that in the future he was going to recognize any Senator who stood on his feet and asked for recognition.

Mr. President, if the Senator from Alabama is treated in this fashion on Friday, maybe the Senator from North Carolina will be treated that way next time. More is at stake than the treatment given an individual Senator.

Any Senator, under the rules, has the right to be recognized. Advice to the Presiding Officer from the leadership that the Senator does not have to be recognized is going far beyond what the leadership should do.

They say, "Well, this is an important bill and we are trying to get it through for its sponsor, he is very much interested in this." This is a House bill, Mr. President. Why all of this haste? Why throw the rule book out the window?

In my judgment, this destroys some

of the greatness of the U.S. Senate, if any Senator, no matter how humble or lowly he may be, is denied his rights under the Senate rules at the instance of the leadership. I say that does not put the U.S. Senate in a very good light.

All for what? For saving a couple or 3 days on filing a cloture motion.

We have this foreign assistance act up. I imagine it will be disposed of on tomorrow and, in all likelihood, the other bill will come up next and they could file a cloture motion. But why ram one through just because one can, just because one can defy the Senate rules, misinterpret the Senate rules?

Mr. President, I hope that this cloture motion will be withdrawn. To use an expression made famous some years ago: It will be a cancer in the side of the Senate if it is allowed to stand.

I feel it is that important.

I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I admire the distinguished Senator from Alabama greatly. I am his friend. I consider him my friend and he will continue to be my friend. He is extremely adept at the use of the Senate rules and I doubt that any Senator in this body is his peer in the utilization of the Senate rules.

I say that out of great respect for the Senator and great admiration.

But the Senator from Alabama does not happen to carry the responsibility of the leadership in this body and I feel that if he stood in my shoes, or in the shoes of the distinguished majority leader, he would do, from time to time, things a bit differently in the use of the rules.

He makes a very engaging, very attractive argument here today. He points out, quite correctly, that in asking unanimous consent last Friday, he was taken off the floor. I stated later in the Record of Friday that that was correct and under the precedents he did not actually lose the floor.

He also stated that the leadership advised the Chair that the Senator did not have to be recognized.

Well, it is within the discretion of the Chair to recognize the Senator. On the spur of the moment, with many Senators asking for recognition, with tension and pressures more than normal, I imagine that the Chair, in the previous history of the Senate, has failed to recognize a Senator who was on his feet, and that is within the discretion of the Chair under such circumstances, as I so stated to the Chair.

With Senators on their feet, the Chair did not have to recognize the Senator from Alabama; it was in the discretion of the Chair.

The motion at that time was not debatable and I felt that the Chair ought to proceed and get that motion before the Senate. It was my responsibility in the absence of the distinguished majority leader to get the motion adopted, get the bill before the Senate, and offer the cloture motion thereon. That was my responsibility, that was the role I had to play.

If the Senator from Alabama had had to play my role, I assume that he might

have seen things today a little differently than the way he now sees them.

He assumes his role well. He has a different role in the Senate. He represents the State of Alabama and represents it well. But we do have different roles, the two of us. He assumes his duties as he sees them. I assume my duties as I see mine.

The Senator from Alabama made a very startling statement here today. He said that had the Senator from Alabama held the floor he would have asked for a quorum, and he said there would have been no quorum established.

The question I would ask the Senator is: How does he know there would have been no quorum established?

A quorum ultimately was established—by virtue of a rollcall vote which subsequently occurred.

The Senate proceeded for over an hour in an effort to get a quorum on Friday. Failing to get a quorum, I understood from talking with a distinguished Senator on the other side of the aisle that there were some Senators around but in hiding, that they were not coming in to make the quorum.

I also understood that one of them had been told by telephone call not to come in, to stay away and not answer for the quorum.

So I proceeded to ask for the yeas and nays on the motion to have the Sergeant at Arms directed to compel the attendance of absent Senators; whereupon five Senators whose names had not previously appeared on the quorum call made entry into the Senate.

So when those five names were added, the names of Senators who had appeared on the quorum call, and the names of those who appeared on the rollcall were added together, and a quorum was thusly established.

The first rollcall vote does not show a quorum. A quorum of Senators did not answer on the rollcall vote. But the rollcall vote was in connection with the getting of a quorum. Consequently, the Senators whose names appeared in answer to the rollcall on the motion to have the Sergeant at Arms request the attendance of absent Senators were then added to those who had previously answered the quorum, thus making a quorum present. So it was then that we were able to get consent to proceed with the vote on the two nominations, whereupon three additional Senators came in because one rollcall vote gave credit for two. There was a special bonus for Senators on that rollcall. They could answer once and get credit for two rollcalls in the Record.

The whole upshot of the thing was that I have in my hands the names of eight Senators who were in hiding, who did not answer the quorum call, but who came in on the subsequent rollcall. I was asked later whether or not we should show the names of those tardy Senators on the quorum call and my answer was, "Yes, let us do that, because I do not want to embarrass them. Just let their names also appear on the live quorum." So it would not be evident as to which Senators awaited the rollcall before coming into make the quorum.

(Mr. DOMENICI assumed the chair at this point.)

Mr. ROBERT C. BYRD. So, Mr. President, I do not proclaim that my hands are entirely clean in this matter. I made the wrong suggestion in suggesting to the Chair that the Senator from Alabama had lost the floor when he made this unanimous-consent request. But in equity, we are supposed to do equity, and those who claim equity should also come into court with clean hands. I am not saying whose hands are not clean. I am simply saying that there was a deliberate effort to keep Senators from making a quorum here on Friday.

The Senator talks about Wednesday—why we should not have a vote on Wednesday, so as to let the people's business go forward on Wednesday. Well, the people's business should have gone forward on last Friday.

So while the Senator from Alabama is quite correct, we could have had a cloture vote on today, Wednesday. The people's business should not have to wait until Thursday. By the same token the people's business should not have been delayed on last Friday.

I maintain it was a deliberate attempt on the part of someone on Friday to keep Senators from coming to the floor so that the Senate would have to go out for lack of a quorum, thus preventing the offering of a cloture motion on the antitrust bill.

The leadership had to take some extraordinary actions in order to get that cloture motion invoked. The leadership was forced to take such extraordinary action in the face of the extraordinary action that was being taken to prevent a cloture motion from being offered.

I went to the distinguished Senator from Alabama on Thursday. I asked him if it was his intent to attempt to prevent a cloture motion from being invoked Friday. He did not say that it was his intent to do so. He simply said, "Why don't you offer it today?" My answer was that the Senators did not want to offer the cloture motion that day, on Thursday; they wanted to offer it on Friday. He said, "Go ahead and offer it on Friday." I said, "Well, will there be any attempt to prevent it? Will you let us offer it on Friday?"

The Senator said he did not want to give up any of his rights under the rules, which he was certainly right in saying. But that was a clear indication to me that we were going to have a problem on Friday.

I held in my hand an attendance sheet which showed the Democrats would only have about 38 or 39 Senators here on Friday, and it was my information that, on the other side of the aisle, they were not expecting over 18 or 19 Members, which, at best, would make us about 58 Members. So with eight Members off the floor on Friday who did not come in until we had a rollcall vote, we had no chance of getting a quorum had there been no rollcall. It was only through the force of that rollcall vote that we finally smoked them out of their hiding places and they came to the Chamber.

The leadership, had it wanted to be strong-armed—and as mean as one

might get the impression the leadership is at times—could have gone ahead and offered that cloture motion on Thursday of last week, and today, when Senators came back from far distances, could simply have moved to adjourn and not had any session—just adjourned. If we had adjourned today that would have forced the cloture motion over until tomorrow.

Now that we have learned our lesson, I am not so sure but that if it ever happens again if I have anything to say about it I will simply say to my colleagues, "Well, let us go ahead and offer the cloture motion today. I would not bet on a quorum tomorrow. Those opposed to getting this cloture motion filed can keep Senators away tomorrow. We will not get a quorum. They will force us out. We will not have the opportunity to have cloture. Let us offer it today. Then on the day we come back we will just have the prayer and move to adjourn. That will force the cloture over to the next day."

But in talking with Senator HART, who is one of the finest men who ever sat in this body, it was his feeling that he would rather take the risk of no quorum last Friday, rather take the gamble, "Come in tomorrow and let us try, rather than offer it today and have Senators travel long distances back on Wednesday next only to be confronted with the motion to adjourn that day."

So we decided to go that route, knowing what it entailed.

I am sorry we had to take the steps that were taken to get the cloture motion filed. I will admit that the Senator from Alabama certainly has some reason to complain, but the role of the leadership is a difficult role. It was my judgment that we had to do the best we could do. We did that. The Senator from Alabama can be assured that I am still his friend and I know that he is mine. But to state one side of the question does not state the whole matter. There are two sides to this question just as there are two sides to those buckwheat cakes that they make in Preston County, W. Va.

The Senator has stated his side and I have stated what I consider to be the side of the leadership. I trust we can close this chapter now and get on with the cloture vote tomorrow.

I hope the Senators will vote to invoke cloture on this measure tomorrow.

Mr. ALLEN. Mr. President, it is quite obvious that the cloture motion will not be withdrawn, though I believe that is the best answer to the problem. I believe it would offer the best guarantee of eventually invoking cloture on this bill.

I do want to state my exception to what the Senator said about the discretion being in the Chair as to whether he is going to recognize a Senator. I am sure the Senator did not analyze his statement very well because there is no discretion in the Chair about whether or not a Senator shall be recognized if he is the only Senator standing on his feet desiring recognition. The Senator probably has it confused with the fact that where several Senators are asking for recognition, yes, the Chair does have discretion as to who to recognize, though the rules require that he recognize the

one who is first on his feet asking recognition.

But irrespective of that, Senate Procedure, on page 674, the first line, says:

Every Senator, in due time, has a right to recognition before the Senate acts on an issue unless by unanimous consent a limitation of debate is entered into which precludes him from such right.

The Senator from Alabama, before this question was put, was demanding the floor time and time again, and on advice from the leadership—and what do you think Mr. METCALF was going to do when the leadership advised him, "You do not have to recognize the Senator from Alabama?"

The rules clearly show every Senator has a right to recognition. The only discretion the Chair has is in deciding which of more than one he shall recognize.

Now, the Senator says that this procedure that was followed was better than following the rules and coming back here today and adjourning, and then having the cloture vote tomorrow. The Senator from Alabama had absolutely no complaint about that, because that would have been following the Senate rules.

As I get the thrust of the Senator's argument, it is that 'this is a meritorious bill, we have fine people supporting it, I told the majority leader I would get it up, and therefore I was going to get it up no matter what course I had to follow.' He seems to justify the means by commenting on the ends.

As I recall, when we had this filibuster on the change of rule XXII, the distinguished majority leader was highly critical of any such policy, that you justify the means you use by the citation of the ends to be achieved, and he made a very eloquent argument against and denunciation of that type of thinking.

But here, "Yes, we bent the rules a little bit, but that was the only way we could get it done." Well, that is not much of an answer, it seems to me, for a leadership that is supposed to live by the rules and to follow the rules, and not advise the Presiding Officer to disregard the rules by not recognizing the Senator from Alabama.

The Senator says that the Senator from Alabama would have done the same or something similar to that. Mr. President, I reject that. The Senator from Alabama has always followed the rules, and always expects to follow the rules.

There was some reference to some Members not coming in. The Senator from Alabama made no request of anybody not to come to the floor. The Senator, it seems, said it was down to 58 there by his own count before we left here on Thursday, so obviously there was some doubt about whether we were going to come in or not. But irrespective of all that, the rules ought to be followed, and I resent the fact that the Senator from Alabama does not know and will not know in the future whether, when the going gets tough, that the Senator from Alabama can gain recognition here on the Senate floor. It is an uneasy feeling, Mr. President, that that situation exists.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President,

I do not intend to prolong this discussion. I do not think it is going to settle anything in anyone's mind. But I will say that if the distinguished Senator will indicate to me in the future what his plans are, I will know more how to act in accordance with what the situation is.

I went to him, as I stated earlier, to ask if he intended to attempt to prevent the leadership from getting the cloture motion introduced, and he did not give me a flat no and he did not give me a flat yes. So I was just left to sort of fly on my own. That may be considered fair enough as far as the distinguished Senator from Alabama is concerned, but I think the leadership is entitled to know what the Senator from Alabama plans to do when he is asked; and then I think he will not have need to express concern in the future as to how he is handled on the floor.

Mr. ALLEN. Mr. President, I do not think it is incumbent on the Senator from Alabama to clear with the leadership what his plans are, and I would certainly say that the Senator from West Virginia, being the astute man that he is, knew the Senator from Alabama was seeking to prevent the cloture motion from being filed, or else he would not have handed out the advice he did to the Chair to prevent the Senator from Alabama from getting the floor.

Mr. ROBERT C. BYRD. I knew Friday morning what the Senator from Alabama was attempting to do. From his objecting to waiving the reading of the Journal, that was absolutely clear.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORTS CONTROL ACT OF 1976-1977

The Senate continued with the consideration of the bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. HUMPHREY. Mr. President, will the Chair please have the amendment stated again, for the record?

The PRESIDING OFFICER. The clerk will state the amendment for the information of the Senate.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an amendment numbered 1658:

On page 81—strike all of section (b)—that is all of lines 3 through 10.

Mr. HUMPHREY. Mr. President, I yield to the Senator from West Virginia.

HOUSING AUTHORIZATION ACT OF 1976

Mr. ROBERT C. BYRD. Mr. President, in behalf of the Senator from Wisconsin (Mr. PROXMIRE) I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3295.

The PRESIDING OFFICER (Mr. DOMENICI) laid before the Senate the amendments of the House of Representatives to the bill (S. 3295) to extend the authorization for annual contribu-

tions under the United States Housing Act of 1937, to extend certain housing programs under the National Housing Act, and for other purposes.

(The amendments of the House are printed in the RECORD of May 26, 1976, beginning at page 15517.)

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PROXMIER, Mr. SPARKMAN, Mr. WILLIAMS, Mr. CRANSTON, Mr. STEVENSON, Mr. TOWER, Mr. BROOKE, and Mr. GARN conferees on the part of the Senate.

Mr. HUMPHREY. Mr. President, I again yield to the distinguished majority whip.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I move that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon tomorrow.

The motion was agreed to.

THE MAGNA CARTA CEREMONY

Mr. ROBERT C. BYRD. Mr. President, Senators are asked to convene at the hour of 10 o'clock tomorrow morning informally for the purpose of proceeding to the rotunda of the Capitol, where a historic ceremony in connection with the Magna Carta will be conducted. All Senators will be notified by their respective cloakrooms to assemble at the hour of 10 o'clock—not in the Chamber, I think I should state, but in the hall here in front of the Chamber.

ORDER OF BUSINESS

Mr. HUMPHREY. In other words, the official business of the Senate begins at noon?

Mr. ROBERT C. BYRD. Yes, the official business of the Senate begins at noon, and there will be a vote on the motion to invoke cloture tomorrow afternoon at, I would assume, something like 1:15 to 1:30 or some such time, under rule XXII.

Mr. HUMPHREY. Mr. President, will the Senator yield further?

Mr. ROBERT C. BYRD. Yes.

Mr. HUMPHREY. If that motion is not successful, then what is the pending business?

Mr. ROBERT C. BYRD. If that motion is not successful, the unfinished business will again be the order of the Senate, if the Senate demands it. If the motion to invoke cloture carries, then the antitrust bill will be the legislation before the Senate until action is concluded thereon.

Mr. HUMPHREY. I thank the Senator.

RECESS UNTIL 3:25 P.M.

Mr. HUMPHREY. Mr. President, I move that the Senate stand in recess for 5 minutes.

The motion was agreed to, and at 3:20 p.m. the Senate recessed until 3:25 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DOMENICI).

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976-77

The Senate continued with the consideration of the bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HUMPHREY addressed the Chair. The PRESIDING OFFICER. There is a request for a quorum call. Does the Senator withhold the request?

Mr. HELMS. I withdraw it.

Mr. HUMPHREY. Mr. President, I thank the Senator from North Carolina for his courtesy and his cooperation which, may I say, is customary. I am very grateful.

Mr. President, the bill before us is, of course, much more comprehensive than the amendment that has been offered by the distinguished Senator from Alabama. I recognize that the Senator from Alabama is primarily concerned about that section of the bill that relates to security supporting assistance to certain areas on the continent of Africa.

Let me say, very quickly, that the total sum of the authorization for countries in central and southern Africa is \$85 million, \$30 million for Zaire and \$30 million for Zambia, and \$25 million for other countries. Both Zambia and Zaire have had a very close relationship with the United States, and I might add that there is very good reason to support assistance for these countries.

For example, Zaire was involved indirectly in an effort to prevent the Marxist takeover in Angola, as the Senator from Alabama knows. Zaire also received a large number of refugees as a result of the war in Angola.

The President of Zambia, Mr. Kaunda, has been a moderating force in southern Africa and he has been an intermediary, a negotiator, and a mediator in the many disputes that have taken place in that part of the world. That country is an acknowledged friend of the United States. There are many political reasons, in addition to economic reasons, for the modest amount of aid for Zambia.

As I said, Zambia's President Kaunda has been a major force behind efforts to find peaceful and moderate solutions to southern African conflicts. He has been compelled to declare a state of emergency, because of the hostilities on his border with Angola and other areas of southern Africa.

I think it should be pointed out that

Zambia, like Zaire, relies heavily on copper as a source of its income, and copper prices have plummeted. They have gone down from \$1.50 a pound to about 55 cents a pound; therefore, both of these countries' economies have suffered very grievously.

The other \$25 million to which the Senator from Alabama has directed his attention relates primarily to Mozambique and Botswana, countries in southern Africa.

The Senator from Alabama has quoted the Washington Post editorial. At times I find that their editorials are refreshing, stimulating, constructive, and positive; at other times I find that they are regrettably not well informed.

Mr. ALLEN. Yes.

Mr. HUMPHREY. That is just a question of judgment. I say, on balance, it is a very positive and constructive editorial point of view.

But in this instance, I think what the Post was most concerned about was the possibility that this proposed action might finance guerrilla warfare activities, violence in southern Africa.

I have, and I will offer at the appropriate time, an amendment which will be a substitute for subsection (b) starting on page 81, line 3 through line 10, and the amendment that I will offer in due time would read:

There is authorized to be appropriated to the President for the fiscal year 1977, \$25 million for security supporting assistance and economic assistance for countries in Southern Africa other than Zaire and Zambia affected by the crisis in that region. Such sums are authorized to remain available until expended. None of the funds provided in this subsection may be used to finance directly or indirectly military or paramilitary activities by any government outside of its borders.

I point out that this is only an authorization.

It seems to me—and I have talked to the distinguished Senator from Maine, the chairman of our Budget Committee—that as we develop policy relating to this area of the world, we should make it clear that this is no long-term commitment. That is No. 1.

No. 2, we should make it very clear that this authorization has the approval and support of the Office of Management and Budget, that it has official support from the President as well as the Secretary of State. But we also should make it very clear that before any money is appropriated under this section, there will have to be a detailed description as to their use and whatever certifications may be required by the Committee on Appropriations, such as a certification from the Secretary of State that none of the funds appropriated are being used directly or indirectly to finance military or paramilitary activities.

I underscore the fact that what we are talking about here is an authorization. Again, I point out that the bill before us is much more significant than just the so-called \$85 million of authorizations to countries in central and southern Africa. I doubt that there is much argu-

ment about our assistance to Zaire. We have assisted Zaire before, and it has passed in the Senate without dissent.

As a matter of fact, Senators have asked that we authorize more. When we cut back on Zaire, we had Senators appear before the Committee on Foreign Relations saying it was too small, and the amendment went through in the Senate to increase those funds.

Zambia surely is a country that has caused us no stress or strain. The President of that country has been an exceedingly helpful public official and international statesman in a difficult area, in potentially the most dangerous area in the world; namely, in southern Africa, which is beset by economic and social and racial problems second to none.

The bill before the Senate, however, S. 3439, known as the International Security Assistance and Arms Export Control Act, contains several important elements. Most of these elements were talked about and voted upon in the legislation for fiscal 1976. This bill is for 2 years, because fiscal 1976 is virtually over; yet, we need an authorization for that fiscal year.

With respect to the bill that was passed by the Senate and adopted following the conference between the House and the Senate, and subsequently vetoed by the President, the features that the President found objectionable have been removed, in the main, from the proposed legislation before the Senate. The President objected to some of the restrictions placed upon the President in the use of his powers as the Commander in Chief and also the provisions providing for the use of a concurrent resolution by Congress to veto certain actions of the executive branch.

So I have no doubt that if we pass the proposed legislation, the President will sign it. We have worked in cooperation with the Defense Department, as the distinguished chairman of the Committee on Foreign Relations, Senator SPARKMAN, knows, and with the State Department. We have had very active cooperation, as we did in the initial legislation. Never have we had legislation from the Committee on Foreign Relations that has had more cooperation on the part of the legislative branch and the executive branch than the proposal known as the International Security Assistance and Arms Export Control Act. Every feature of that legislation has been gone over in detail, with considerable time and attention by the members of the Committee on Foreign Relations, the staff of the Committee on Foreign Relations, the subcommittee and its staff, and the membership of the executive branch assigned to work out these details.

General Fish, who is the major Defense Department spokesman on all matters of arms sales and military assistance, has worked with us personally to work out the details of this legislation.

In other words, we think we have followed the best of tradition in legislative procedure. On the one hand, we took the initiative in the Senate and in the other body, the House of Representatives. However, when the Secretary of State and representatives of the Defense De-

partment indicated that they had some apprehensions about certain features of our legislative proposal, I, as chairman of the Subcommittee on Foreign Assistance, under instructions from the chairman of the full committee, Senator SPARKMAN, said to the State Department and to the Defense Department:

We are prepared to work out these difficulties. We want to have a cooperative relationship.

We spent weeks in very careful negotiations and finally arrived at a piece of legislation we thought met all objections. The President took a different point of view, which is his prerogative and his right. So when the veto was handed down, we did not argue with it. We proceeded to rewrite the legislation, again in a cooperative effort, to get what we considered to be some basic essentials for guidelines and principles in this important area of arms transfers and military sales.

The bill which the Senate will now consider, S. 3439, the International Security Assistance and Arms Export Control Act of 1976-77, contains several important elements:

It authorizes military and security assistance for the fiscal year 1976, the transition quarter and fiscal year 1977;

It provides for more centralized and effective control within the executive branch over, and a stronger voice for Congress in, U.S. arms exports, both Government and commercial;

It gives statutory force to the application of nondiscrimination safeguards and human rights principles in the execution of military and security assistance programs;

It will promote the adoption of safeguards against nuclear proliferation, which is one of the most terrifying issues before the nations of the world; and

It contains specific congressional policy guidance relating to the provision of assistance in certain sensitive geographic areas such as Greece and Turkey, Chile and southern Africa.

The amounts authorized in the bill for military, security, and related assistance are \$3,166,900,000 for fiscal year 1976. That, by the way, is within the Senate budget resolution, so that we do not violate our budget ceilings. Also it authorizes \$2,789,800,000 for fiscal year 1977. In addition, the bill provides authority, subject to appropriations, for the funding of programs in the transition quarter at one-fourth the fiscal year 1976 level.

The specific country programs for security-supporting assistance authorized by this bill, particularly those in the Middle East, are of great importance to our foreign policy. Israel, in particular, is sorely pressed not only for supporting assistance to enable it to carry its heavy economic burden, but also for the necessary foreign military sales credits contained in this bill to finance essential arms purchases. Prompt passage will insure against any interruption of these important programs. Timely action by Congress is also necessary to allow fiscal year 1976 programing of other military assistance programs, including grant aid and military training, to be completed in an orderly manner before June 30.

Our committee has scrutinized the amounts contained in this bill with the greatest of care. Numerous cuts have been made on the basis of our analysis. This bill is within congressional budget guidelines for fiscal year 1976 and, in fiscal year 1977, for those programs in the national defense budget function. In fact, the recommended levels for programs in the bill in the national defense function are well below the levels assumed for these programs in the first concurrent budget resolution for 1977. The funds recommended by the committee in this bill for programs in the international affairs function for fiscal year 1977 are slightly higher than the levels assumed in the first concurrent budget resolution for fiscal year 1977.

I point out that the primary reason they are higher is this additional money for southern Africa. The executive branch supports our initiative. We now have a letter from the Office of Management and Budget, so that it is clear that the administration wants this.

I have a letter addressed to the Honorable JOHN SPARKMAN, chairman of the Committee on Foreign Relations, U.S. Senate, from James Lynn, Director of the Office of Management and Budget, dated May 25:

DEAR MR. CHAIRMAN: Section 501 of S. 3439, the International Security Assistance and Arms Export Control Act of 1976-1977, contains provisions which authorize 1977 appropriations of \$85 million for additional aid to Zaire, Zambia, and other southern African countries. The President supports enactment of legislation to provide \$85 million in supporting assistance for these countries and will transmit a budget amendment for this purpose.

So the administration itself supports this money. I have talked to the chairman of the Committee on the Budget. He will have his own comment to make about it, but I believe that I have accurately reflected my conversation with him.

The levels recommended by the committee for 1977 represent a \$239,900,000 reduction from the administration request. We have reduced this request by a quarter of a billion dollars. Of this amount, \$110,700,000 results from the committee's decision to withhold funds for Greece and Turkey for fiscal year 1977 authorizations. Programs for these countries will be addressed in connection with the committee's review of implementing resolutions pursuant to the defense cooperation agreements with both countries. Irrespective of Greece and Turkey, though, the committee's cuts amount to almost \$130 million.

Mr. President, I ask unanimous consent that further comments that I have prepared on this legislation be printed as a part of my remarks at this point in the RECORD.

THE PRESIDING OFFICER. Without objection—

Mr. ALLEN. Reserving the right to object, Mr. President, I say to the distinguished Senator from Minnesota that earlier today, I did state that, to show my lack of approval of the proceedings which took place in the Senate on Friday, I was, for the time being, going to object to unanimous-consent requests. I am sure there will be no reason why

the Senator cannot have it in. I want to object, though, to the request.

Mr. HUMPHREY. I understand the Senator's objection.

Mr. ALLEN. I really have no basic objection to its going in.

Mr. HUMPHREY. I understand, and I shall give a synopsis of the salient portions here.

The PRESIDING OFFICER. The Senator can move to have it placed in the record.

Mr. HUMPHREY. I think we shall be all right if we proceed this way. I do not mind its going over. We shall handle this very well.

The PRESIDING OFFICER. The objection is heard.

Mr. HUMPHREY. Mr. President, as our committee assessed the problem of arms sales, it became evident that the initiative for more thoughtful and coherent policies would need to come from Congress. The present bill seeks to meet this need. We do so in a number of ways which we think are exceedingly helpful.

As Members of this body are aware, S. 2662 passed the Senate by a vote of 60 to 30. That is the fiscal 1976 authorization. As I indicated earlier, it was vetoed by the President.

We believed when we presented that bill and we reiterate today with regard to this bill, that we have provided for an appropriate and effective congressional role in arms transfer matters. Notwithstanding our views with regard to the President's veto, the committee has reviewed its earlier work and the present bill retains intact those provisions of the earlier bill which the committee members consider central to updating the arms transfer procedures.

In addition, S. 3439, the bill before us, provides new procedures designed to insure that third-country transfers of U.S. supplied equipment are more carefully considered by both Congress and the executive branch. This is a matter that has caused great concern in the Committee on Armed Services, that countries that received weapons from the United States, either by gift or grant or sales, transferred them to another country. As a result of consultation with the Committee on Armed Services, we incorporated legislation in here which we think will tighten up those procedures to prevent that kind of transfer.

The committee has also included in this bill a number of other features. The committee has included forceful new provisions designed to insure that U.S. citizens and businesses are not discriminated against by aid recipient governments.

Finally, in the course of reconsidering our original action on S. 2662 and adding fiscal year 1977 authorizations, the committee adopted three new important provisions: An authorization of funds to implement forward-looking policy in southern Africa; the placing of a total embargo on military assistance to Chile; and a requirement that all forms of assistance—military and economic, grants, credits, and guarantees—be terminated in nations buying or selling nuclear enrichment or reprocessing materials without specific safeguards. I suggest that this amendment was offered by

the distinguished Senator from Missouri (Mr. STANBURN) who serves as we know, on the Joint Committee on Atomic Energy, the Committee on Armed Services, and as chairman of our Subcommittee on Arms Control in the Committee on Foreign Relations. This, I think, has made it one of the most important features of the bill and is one that has been praised considerably by not only Members of Congress but those who are deeply concerned about nuclear proliferation.

Mr. President, it should be apparent from the foregoing that S. 3439 contains a wide range of congressional foreign policy initiatives. The bill reflects a growing sensitivity within Congress to a new range of policy considerations. It does, above all, Mr. President, I think, give us a role in the design of foreign policy which does not intervene or interfere with the prerogatives of the executive branch, but makes policy guidelines a responsibility for the Congress of the United States.

I also call to the attention of my colleagues a certain amount of material from the committee report, giving some factual statements and detailed statistical evidence or statistical information as to the bill before us.

Mr. President, I believe that the major issue, and I solicit now the cooperation and the attention of my good friend from Alabama. I know his concern over the section that relates to the security supporting assistance in the African areas. I believe that I am correct, and the Senator may help me on this, if he will, that the Senator does not have strong objection to assistance to Zaire. Is that correct?

Mr. ALLEN. Yes, I do object to that as well. The present amendment, however applies to Mozambique and Botswana. It goes to the two that I am seeking to strike out at this time.

Mr. HUMPHREY. So the amendment the Senator has before us now, the pending amendment, is related to Mozambique and Botswana?

Mr. ALLEN. Yes, but Botswana is not called by name, because the Secretary did not call it by name in his speech.

Mr. HUMPHREY. That is correct.

The Senator knows that I have prepared—and I am pleased that my associate and colleague from New York (Mr. JAVITS) is here, because he is deeply concerned about these matters. Senator CASE was to be with us but was called to the White House and has not as yet returned.

I have not been able to get hold of Senator CLARK, who is chairman of our Subcommittee on African Affairs. I do not know whether members of Senator CLARK's staff or others have attempted to get hold of him, but if not, I would deeply appreciate it.

Here is what I have in mind, Mr. President, and I solicit the attention of my associate from New York: To substitute language, starting on page 81, line 3 through line 10 of subsection (b), so that it would read as follows—let me first state the difference. The language in the bill before us reads as follows; I repeat, the language in the bill that is before us reads as follows:

There is authorized to be appropriated to the President for the fiscal year 1977, to carry out the proposals made by the Secretary of State in Lusaka, Zambia, on April 27, 1976, \$25 million for security supporting assistance and economic assistance for countries in southern Africa other than Zaire and Zambia affected by the crisis in that region. Such sums are authorized to remain available until expended.

It is to that section that the first amendment of the Senator from Alabama is directed. He would strike the entire section, as I recollect, in his amendment. I offer as a substitute to the amendment of the Senator from Alabama the following language:

There is authorized to be appropriated to the President for the fiscal year 1977, \$25 million for security supporting assistance and economic assistance for countries in southern Africa other than Zaire and Zambia affected by the crisis in that region. Such sums are authorized to remain available until expended. None of the funds provided in this subsection may be used to finance directly or indirectly military or paramilitary activities by any government outside of its borders.

Now, the reason I offer this proposal is that the concern has been stated here, particularly as there was a recitation of the editorial comment from the Washington Post and statements, I think, by other editorial writers, pointing out that there is concern as to what would happen in that area if funds were made available without restriction. I think the Senator from Alabama is correct in calling it to our attention.

Therefore, the Senator from Minnesota is removing from the section, any reference to the proposals of the Secretary of State. I think that is the kind of rhetoric that is not necessary—well, is not needed—for legislative purposes. We do not need laudatory comment in our legislative proposals.

Secondly, by removing it, there is much greater flexibility in the use of funds.

Third, my proposal would specifically deny the use of any of these funds for military or paramilitary purposes.

Finally, may I say that in our discussion, and we will have one subsequently with the distinguished Senator from Maine (Mr. MUSKIE) on budgetary matters, I will make it very clear that when appropriations are to be considered under this section there should be a detailed statement as to how the funds will be administered, to whom the funds will go, for what purpose.

I think it is very proper for the Appropriations Committee to insist that there be a necessary certification from either the President or the Secretary of State that the funds are not to be used nor will they be used for any military or paramilitary purposes outside the borders of the recipient countries.

I solicit any comment I might receive from the Senator from New York.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. JAVITS. It seems to me to an effort to meet the views of the Senator from Alabama and those who feel as he does, and I hope very much it may prove to be a way of resolving the situation in which we find ourselves.

I think the Senator has eliminated one very important provision, which is an implication of any general approval of the Secretary's speech at Lusaka which, whatever one may think individually, personally I think that was the right course for our country.

Second, I think the precaution suggested by Senator Allen is very appropriate, respecting the use of such funds as are provided in accordance with our intention, which is strictly for economic aid purposes which stem from an effort to deal with the implications of the United Nations resolution on Rhodesia.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes, of course, I yield.

Mr. ALLEN. The suggested amendment of the distinguished Senator from Minnesota, spoken of approvingly by the distinguished Senator from New York (Mr. JAVITS), would that change in any way the amount of money being authorized or its eventual recipients?

Mr. HUMPHREY. It does not change the amount. The Senator's question surely is appropriate. The amount remains the same, and the recipients will be, as in the original proposal, at the discretion of the President of the United States. But the recipients cannot use that money for military or paramilitary purposes. In the original legislation there was no such prohibition.

Mr. ALLEN. Well, of course, that would not prevent them from using this money for their economy and using funds they had planned to use for their economy for stirring revolution by guerrilla activity across their borders; is that not correct?

Mr. HUMPHREY. I suppose the Senator could make that point, but the simple fact is these economies are in desperate straits, and it is to be very clearly indicated that the purpose of the funds is, of course, to fortify American policy in that part of the world.

I do not travel under false colors in this debate, and in this forum we must tell each other very candidly what we are seeking to do. I simply point out that we do not, by this legislation, embrace every word and feature of the address of the Secretary of State at Lusaka in Zambia. I happen to be one, as the Senator knows, who basically approved of the policy statement made by the Secretary of State. But I speak as a person, as an individual Senator, on that matter.

The legislation before us is an authorization for funding for security assistance purposes, and those security assistance purposes can be to finance imports into the country, for budgetary support, or to aid countries that have been severely afflicted by depressed commodity prices.

I think it is fair to say the U.S. Government has pledged itself to support ongoing efforts toward the establishment of majority rule in that part of the world. This is something we have voted for in the United Nations; it is something we worked on in cooperation with our friends in Great Britain; it is something, by the way, this Senate has endorsed in earlier days.

The amount of money involved here is not substantial. I think it also has been clear that the amount does not in any

way pledge us to a continuing program. It is a 1-year proposal. There may be a request for additional proposals—I would not want to say for a minute that there would not be—but there is no obligation, none whatsoever, and I make that clear, as manager of this bill, that there is no further obligation. The \$25 million for the areas other than Zaire and Zambia is \$25 million for fiscal 1977. The \$30 million for Zaire and for Zambia is \$30 million for fiscal 1977.

Mr. ALLEN. The Senator's amendment would still allow \$12.5 million to go to Mozambique, would it not?

Mr. HUMPHREY. It would allow what the President feels is necessary.

But I would suggest to the Senator that before any money is made available it must pass this body a second time and the House of Representatives. It would have to come out of a subcommittee of the Appropriations Committee, and the full Committee on Appropriations. I have a feeling we will be very careful as to the amounts, No. 1; and, No. 2, as to the purposes for which the money will be used.

Mr. ALLEN. Mr. President, will the Senator yield further?

Mr. HUMPHREY. Yes.

Mr. ALLEN. I notice on page 49 of the bill, section 301, starting on line 18—

Mr. HUMPHREY. Yes.

Mr. ALLEN. "Human Rights"—

Mr. HUMPHREY. Yes, that is correct.

Mr. ALLEN. It states:

"SEC. 502B. HUMAN RIGHTS.—(a) (1) It is the policy of the United States, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, to promote and encourage increased respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. To this end, a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries.

Mr. HUMPHREY. Yes.

Mr. ALLEN. Would the Senator feel that Mozambique would qualify under this provision?

Mr. HUMPHREY. I am not sure.

Mr. ALLEN. As those who support human rights?

Mr. HUMPHREY. It may very well not. The Senator raises a very important point, and I know he does it both as a point of debate but also as a point of principle, that it could very well be that Mozambique would not qualify because of section 301. In my book—and I will be frank with the Senator—I am not at all pleased with many of the developments in Mozambique.

I do not believe I ought to in any way camouflage my personal feelings. It is entirely probable that because of that section, assistance to Mozambique could be withheld. That is possible. I doubt that in the instance of Botswana, however, which is one of the countries that has tried to practice, as I recollect, democratic principles, that section 301 would apply.

Mr. ALLEN. The Senator realizes that Mozambique is one of the worst police states in the world?

Mr. HUMPHREY. That is why we put section 301 in this legislation. This Senator is not about ready to support nations that have a consistent pattern of gross violations of the code of human rights that is accepted and established under international law and endorsed by international agencies.

Mr. ALLEN. All right.

In view of that statement would the Senator be willing to modify his amendment where Zaire and Zambia are excluded from this \$25 million, and also add Mozambique as being excluded?

Mr. HUMPHREY. No, I do not think we should do that because under section 301, if Mozambique does not qualify, it would be excluded.

May I say to the Senator that while he and I can give our personal judgments here, but there is a bigger jury than that, a larger jury, and there is a procedure established in this legislation. That procedure is, I think, a very effective one and unique one; the bill establishes an Office of Human Rights. The Congress of the United States can review facts on alleged violations of the human rights. We can stop aid to any country that has a consistent—I repeat—a consistent pattern of cruel and inhuman treatment in the field of human rights.

I see my friend from South Dakota (Mr. ABOWREZK) here, who has been very instrumental in promoting this particular section of the bill, section 301, as was the Senator from California (Mr. CRANSTON), and others.

We have revised this section so that I think it is workable.

May I say for the record, so that our legislative history is clear, we are flagging the situation in Mozambique. Before any funds are committed, I think it would be entirely appropriate for the Appropriations Committee, since no country is mentioned here as a recipient of the \$25 million, for the Appropriations Committee to demand of the executive branch of Government an appropriate review of what has happened in the field of human rights in Mozambique, or any place else.

I think we are developing a legislative history, may I say, that could be very helpful in light of the proposal which I have advanced.

Mr. ALLEN. I would not agree to the amendment, but I think it should be discussed.

Mr. HUMPHREY. Mr. President, I offer the amendment in the nature of a substitute to the Allen amendment.

The PRESIDING OFFICER. The amendment of the Senator is not in order as a substitute, but as a perfecting amendment it is in order and takes precedence over the motion to strike.

Mr. HUMPHREY. In other words, it must be a perfecting amendment?

The PRESIDING OFFICER. Yes.

Mr. HUMPHREY. I so offer it for that purpose.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 81, line 3, strike out section (b), lines 3 through 10, and insert the following:

(b) There is authorized to be appropriated to the President for the fiscal year 1977 \$25,000,000 for security supporting assistance and economic assistance for countries in southern Africa other than Zaire and Zambia affected by the crisis in that region. Such sums are authorized to remain available until expended. None of the funds provided in this subsection may be used to finance directly or indirectly military or paramilitary activities by any government outside of its borders.

Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. If the Senator will yield, I wish to call special attention, as I have just been reading this perfecting amendment carefully, to the last sentence which deals with this question of military or paramilitary activities by any Government—which would mean Mozambique—outside of its borders, as “may be used to finance directly or indirectly.”

Mr. HUMPHREY. Yes.

Mr. JAVITS. And being cognizant of Senator Allen's point, if they got this money they could use other money in place of this money for the same purpose, I believe that the Appropriations Committee would be duty bound to see that this money was not used directly or—

Mr. HUMPHREY. Or indirectly.

Mr. JAVITS. In order to replace other funds in the Treasury of Mozambique which were being used for this purpose.

So I think it is a more effective limitation, in terms of the actual realization of any appropriations under it to benefit Mozambique, than was indicated by the Senator's argument.

I think the Appropriations Committee would be duty bound to deny the appropriation if it found it simply replaced in Mozambique's Treasury other money which was being used for these guerrilla warfare purposes.

Mr. HUMPHREY. I thank the Senator from New York.

I want it clear that this language on page 81, line 3 through line 10, in an amendment, but my amendment is an amendment to that subsection, not to the total section, but to that subsection.

Mr. JAVITS. Right.

Mr. ALLEN. Mr. President, is the Humphrey amendment subject to amendment?

The PRESIDING OFFICER. It is amendable in one more degree.

Mr. ALLEN. I offer an amendment and add the word “Mozambique” following “Zambia” so it, too, would be excluded from the right to participate in this form.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On line 4, after “Zaire” strike “and” and insert “,” in lieu thereof and after “Zambia” insert “and Mozambique”.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, if this amendment is agreed to, I would agree to the substitute to the perfecting amendment.

Mr. HUMPHREY. I understand.

Mr. ALLEN. It carries out the suggestion I made that excludes Mozambique from participating in this \$25 million.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. ALLEN. Very well.

Mr. HUMPHREY. Mr. President, I believe there is a sufficient second here.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Brock). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, I appreciate the effort of the Senator from Alabama to get some progress on this bill, however this vote may come out.

I know there are not many of our colleagues here, but I would like to make clear that the amendment that has been offered will place restrictions upon the President of the United States. The proposal that the Senator from Minnesota offered gives the Congress of the United States adequate authority to examine into any type of authorization, under the terms of this bill, particularly under the human rights section, section 301.

The Senator from Alabama wants to be more precise in light of our discussion here because, as I have indicated to the Senator from Alabama, it may very well be that Mozambique would not qualify, but I do not want to vote as one Senator to place that inflexible limitation when I believe that the amendment that the Senator from Minnesota offered is adequate to cover any concerns that Senators might have.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. JAVITS. Mr. President, I would like to join Senator HUMPHREY in this position. I believe that it reflects accurately the position of the committee.

We have an enormous amount at stake in Africa. We are just opening almost new history with Africa. I believe that the general principles of the doctrine adopted by Secretary Kissinger in his Lusaka speech represents the basic doctrine of the United States which is critical to our security and also critical to the relationships which are so heavily involved in the supply of enormous quantities of raw materials to the United States.

I thoroughly agree on the point of human rights. We have already made that very clear.

I thoroughly agree on the nonutilization of any appropriation of the United States directly or indirectly for guerrilla warfare purposes.

I do believe, Mr. President, that to specifically exclude any country, even though we may not actually give any aid to that country, where the amendment does not relate to any country and only

speaks of Zaire and Zambia, because we are providing for them elsewhere in the same bill, is impolitic for our country. Therefore, I, too, shall be compelled to vote “No” on Senator ALLEN's amendment.

Mr. ALLEN. Mr. President, I am glad that we are going to get an up-or-down vote on this amendment I have offered.

The original amendment which I offered knocked out the \$25 million that would go to any South African state that joined in the effort to topple one of the few stable regimes in Africa—a continent of chaos.

For us to draw a bill saying that we are going to deny support to those regimes that do not respect human rights and then provide for giving \$12.5 million to Mozambique certainly places us in a very inconsistent position.

Let us read something about Mozambique, what kind of a state it is.

Mass exodus. Unpersuaded, more than half of the 220,000 whites left Mozambique before independence. Consequently, Mozambique is now almost totally without skilled and professional workers. At present there are fewer than 1,000 trained administrators in the entire country. The medical situation is even worse—15 medical doctors for a population of 8.5 million people.

Whites are leaving Mozambique at a breakneck pace. At present there are less than 30,000 whites still in the country. Well-informed sources predict that only 3,000 whites will be left by July 1.

Antireligion campaign. The Machel myth of Mozambique has launched itself against all forms of religion within the country. Machel's Interior Minister Armando Guebuza, asserts that the churches have joined together to form a common front against Frelimo.

The fact that about 70 percent of the population is Christian means Machel's antichurch drive must necessitate large-scale repression—and it has. About 35,000 members of the Jehovah Witness sect have been forcibly placed in reeducation camps near central Mozambique. Diplomats estimate that over 150 missionaries and churchworkers are being held without charge in prison in the port city of Beira. Three American missionaries have been imprisoned since last summer.

That is the country they are talking about helping.

In all cases the prisoners have been jailed without charge, and they have been refused legal counsel or consultation with embassy officials.

The Frelimo government is firm on its antireligion stand. In a recent statement the government warned:

The people must be made to understand that to attend church services or to obey the preachings of the missionaries will mean to work against Mozambique and to serve the imperialist powers.

That is how they refer to the United States, the imperialist power. We are talking about sending \$12.5 million to people like that, who talk about America being the imperialist power.

Soviet influence. Though Moscow recently delivered two shiploads of armored cars, 122 millimeter mobile rocket

launchers and SA-7 shoulder-fired missiles, Machel's poorly trained 10,000-man army is ill-equipped to handle them. The Soviet influence in Mozambique is unlikely to offset the country's economic and financial dependence on South Africa.

But, Mozambique is becoming a base for guerrilla fighters. Machel sent 500 Frelimos to fight for the MPLA in Angola. They are now back, and with them are Cubans to train 15,000 Mozambican and Rhodesian terrorists.

That is the type of government we are trying to give money to under the Humphrey plan. "Present status."

Mr. HUMPHREY. Under what plan?

Mr. ALLEN. Mr. HUMPHREY'S.

Mr. HUMPHREY. Under whose plan?

Mr. ALLEN. The distinguished Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. Could the Senator say the President's plan?

Mr. ALLEN. The President is not advocating it on the floor.

Mr. HUMPHREY. The Senator from Minnesota is advocating the whole bill which has section 301, which I am pleased to say the Senator from Alabama seems now to heartily endorse.

Mr. ALLEN. Is the Senator from Minnesota supporting it because the President is supporting it or because he thinks it is right?

Mr. HUMPHREY. No, the Senator is supporting it because he believes section 301 on human rights will take care of any concern the Senator has.

Mr. ALLEN. If so, why not take the amendment of the Senator from Alabama?

Mr. HUMPHREY. Because the Senator does not have all the facts. I believe the Senator, who is a stickler for procedure and jury trials, would want to have all the facts.

Mr. ALLEN. I am trying to give the Senator information about Mozambique now. I am glad he is listening.

Present status. The current state of affairs in Mozambique reveals a megalomaniac directing the government so that the people of the world "may eventually be freed from oppression." To facilitate this liberation effort, Samora Machel employs such measures as:

A secret police possessing all the characteristics of the KGB and Papa Doc's Tonton Macoute. They are the SNASP pronounced by Mozambicans as Senaspo, to rhyme with Gestapo.

Labor camps in which white women are stripped to the waist and work in the fields from dawn, dreading their return to the prison compound at sunset. In the compound they are sexually assaulted by Machel's unpaid terrorists and hired to outsiders for sex. One white escaped prisoner described the labor camp as a "center of prostitution, corruption, rape, drunkenness, and murder."

"Reeducation camps" to which religious prisoners are sent for indoctrination.

Pronouncing children as property of the state and removing them from home and family.

What the amendment of the Senator from Alabama would do is prevent any of this money that is being appropriated

under the terms of this bill from going to Mozambique. I am delighted that we are going to have an up and down vote on whether this Senate wants to send \$12.5 million to a country like Mozambique, or whether it would like to decline to send that money to Mozambique. The issue is just as clear as it can possibly be. I am ready to vote.

Mr. HUMPHREY. Mr. President, I just want to make the record clear. There is nothing in this bill that says \$12.5 million is going to Mozambique. What it says is that \$25 million shall be available for southern Africa, other than Zambia and Zaire. That is all. There is nothing in this bill that says that automatically Mozambique or Botswana or anybody else is going to get this money. There is something in this bill that says that any country that engages in a consistent practice of the violation of accepted human rights, cruel and inhuman treatment, shall be ineligible for any kind of aid.

That is a very important feature in this bill.

Before any funds are made available, particularly in an area that is as tortured and troubled as southern Africa, it would be the responsibility of the executive branch at first, and Congress in the second stage, to examine very carefully into whether or not there is a violation of human rights of such proportions as to violate section 301 of this bill.

I want it clear that we are not talking about a particular country under the language of the bill before us. There has been discussion here about Botswana and Mozambique, and there may be other areas that are involved. The only countries that are mentioned are Zambia and Zaire that the \$25 million is over and above the \$30 million for each of these other countries as outlined in this bill.

I understand, and I think the Senator from Alabama makes a point, that there has been talk about the fact that our Government would want to give some supporting assistance to Botswana, which, by the way, is a rather democratic state, and to Mozambique. But there is no provision in this bill for any particular amount to any one particular state outside of Zaire and Zambia.

The Secretary of State, I believe, has made some comment, but that comment would have to be made official in terms of testimony before the appropriations subcommittee and the full committee. I merely wanted the record clear so there can be no distortion in editorial comment about what we seek to do here. What we have sought to do is to back up the policy which has been affirmed by the President and by the Congress in our acceptance of the human rights covenant in the United Nations for support of the majority rule.

Now, that support for majority rule does not come within a day or a week. As we have indicated, it is a principle and a policy of the Government of the United States to support governments that are based upon majority rule and protection of minority rights.

But the legislative history here today should make it clear to the executive branch, in making any recommendation

or request to the Appropriations Committee, that there should be a very careful examination as to what that money is to be used for, which countries are to receive it, and under what terms they are to receive it.

I can say, as chairman of the Subcommittee on Foreign Assistance handling this legislation, that before any funds are made available, we will examine whether or not countries meet the standards of human rights that we have outlined in this legislation.

Mr. ALLEN. Mr. President, just one brief comment to call attention to two items in the Secretary's speech. That Lusaka, Zambia change in the original bill coming out of the Foreign Relations Committee was, in effect, endorsed by the Secretary of State.

He speaks here, in item 6:

As in the case of Zambia a few years ago, steps should be taken—in accordance with the recent U.N. Security Council resolution—to assist Mozambique.

This is what the committee, in its original bill, was endorsing.

Mr. HUMPHREY. That is one of the reasons that the Senator from Minnesota, in his substitute or his technical amendment, removed references to the Secretary's speech.

Mr. ALLEN. I am delighted that he has done so.

Mr. HUMPHREY. May I say, a speech is one thing and legislation is another. Senators ought to know that better than anyone else, because we make an awful lot of speeches, and have a great deal of trouble translating some of those speeches into legislative proposals.

I want to make it clear that this bill is not a commendation to the Secretary of State. Privately, I commend him, but this legislation is not designed to put a badge of honor on the Secretary of State and say to him, "Everything you have said, Mr. Secretary, we approve of." He came around here the other day with the resources bank they were discussing in Nairobi. That was shot down, too. The Secretary makes many proposals we do not agree with.

But I want to say, as far as the Senator from Alabama is concerned, that while we do not always agree, the Senator from Alabama is a man of integrity. His judgment I question at times, but never his veracity. He makes it clear that the Secretary did say, in accordance with the United Nations resolution, that the United States is willing to provide \$12.5 million worth of assistance to Mozambique. What he should have said is that in accordance with this resolution, the United States is willing to provide \$12.5 million worth of assistance provided the Congress of the United States is willing to do it.

Mr. ALLEN. Yes; I think he oversteps himself, as he does in the next item. Let me finish reading these for the Record. He says, "Steps should be taken in accordance with the recent U.N. Security Council resolution"—he is not citing any treaty, but:

In accordance with the recent U.N. Security Council resolution—to assist Mozambique, whose closing of its borders with Rhodesia to enforce sanctions has imposed upon it a great

additional economic hardship. In accordance with this U.N. resolution.

Not in accordance with sentiment expressed in Congress, or action taken by Congress—

The United States is willing to provide \$12.5 million of assistance.

And, I will say parenthetically, to Mozambique.

Seventh, the United States—together with other members of the United Nations—

I wonder how he could speak for them, since we do not seem to have too much assistance from them in U.N. donations and votes. But he says:

The United States—together with other members of the United Nations—is ready to help alleviate economic hardship for any countries neighboring Rhodesia which decide to enforce sanctions by closing their frontiers.

In other words, let us just use the term for what it is. He is going to bribe the other nations to break off relations with Rhodesia in order to force Rhodesia to take action that these other countries want, and by giving this aid to these African nations near Rhodesia it allows them to use that money to support subversion and revolutionary and guerrilla activities.

As the Washington Post points out in its editorial that I have referred to, this results in American support of African violence.

By adopting the amendment of the Senator from Alabama, which leaves this police state of Mozambique out from under this subsidy and prevents us from giving any money to them, that would leave the \$25 million intact, but it would at least deprive Mozambique from getting any portion of it. It is an up or down vote on whether or not we are going to say here in Congress that we are not going to support a police state such as Mozambique is.

I hope the amendment will be accepted.

Mr. ABOUREZK. Mr. President, will the manager of the bill permit me to make a statement on his time?

Mr. HUMPHREY. I yield.

Mr. ABOUREZK. Mr. President, I guess everything comes full circle. I never thought I would see the day when the Senator from Alabama (Mr. ALLEN) would quote the Washington Post in support of an argument. I never thought, either, that I would see Senator ALLEN come down hard in support of human rights. For 3 years around here I have been trying to get a human rights amendment attached to a foreign aid bill. This year, Senator HUMPHREY has agreed to attach it. It has got to be cleaned up, but he says he is willing to accept it.

The human rights amendment I have been trying to get accepted has been voted against consistently by the Senator from Alabama. It has, incidentally, also been voted against by the Senator from Minnesota; until this time he has agreed to accept it on the bill.

Mr. President, I do not think the cause of human rights is anything to play games with. If the Government of Mozambique is guilty of the allegations ex-

pressed on this floor today, they ought not to get any money from the U.S. Treasury. But I do not think we ought to single out Mozambique or any country in this bill, by virtue of the fact that we have a provision, and we can make a finding of fact, as the law will provide if this bill is passed, and cut off the money by virtue of that.

If we insist on making one country the example, let us make some more. I would like to see Chile cut off right now. I would like to see South Korea cut off. I would like to see Paraguay and Brazil cut off. If the Senator will go along with me specifically on those countries on this bill, I will go along with him specifically on Mozambique.

Mr. ALLEN. I will be glad to support any such amendments of the Senator from South Dakota. I now call on him to support my amendment.

Mr. ABOUREZK. I ask unanimous consent, then, Mr. President, that I be allowed to modify the Allen amendment to include the other countries, and I suggest the absence of a quorum until I can write them down.

Mr. ALLEN. Mr. President, I object to the request, because this has nothing to do with these other countries. He would have to find a place in the bill to touch on them, because that money is going to certain African nations, it is not going to these other nations. If he wants to say they shall not get anything, he can. Of course, they already do not get anything.

The PRESIDING OFFICER. Does the Senator from South Dakota suggest the absence of a quorum?

Mr. ABOUREZK. No, I withdraw that. If I am not allowed to add those countries, there is no use in calling for a quorum.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUE), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from California (Mr. TUNNEY), the Senator from Michigan (Mr. PHILIP A. HART), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Indiana (Mr. BAYH) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. McCLELLAN), the Senator from Kansas (Mr. PEARSON), the Senator from Delaware (Mr. ROTH), the Senator from

Texas (Mr. TOWER), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 29, nays 45, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—29

Allen	Ford	Nunn
Bartlett	Garn	Randolph
Brock	Goldwater	Scott
Buckley	Hansen	William L.
Burdick	Hartke	Stevens
Byrd	Helms	Stone
Harry F., Jr.	Hruska	Taft
Byrd, Robert C.	Huddleston	Talmadge
Cannon	Johnston	Thurmond
Chiles	Long	
Domenici	Morgan	

NAYS—45

Abourezk	Hatfield	Muskie
Baker	Hathaway	Nelson
Beall	Hollings	Packwood
Biden	Humphrey	Pastore
Brooke	Jackson	Pell
Bumpers	Javits	Percy
Case	Kennedy	Proxmire
Culver	Leahy	Ribicoff
Dole	Magnuson	Schweiker
Durkin	Mansfield	Scott, Hugh
Glenn	Mathias	Sparkman
Gravel	McGovern	Stafford
Griffin	McIntyre	Stevenson
Hart, Gary	Metcalfe	Symington
Haskell	Moss	Williams

NOT VOTING—26

Bayh	Fannin	Montoya
Belmont	Fong	Pearson
Bentsen	Hart, Philip A.	Roth
Church	Inouye	Stennis
Clark	Laxalt	Tower
Cranston	McClellan	Tunney
Curtis	McClure	Weicker
Eagleton	McGee	Young
Eastland	Mondale	

So Mr. ALLEN's amendment was rejected.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Minnesota.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Is the Humphrey amendment now the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. Mr. President, I ask to modify that amendment if I may.

The PRESIDING OFFICER. The Senator has the right to modify it.

Mr. HUMPHREY. After the word, "paramilitary", include, "or guerrilla activities".

The PRESIDING OFFICER. The amendment will be so modified.

The amendment as modified, reads as follows:

On page 81, line 3, strike out section (b), lines 3 through 10, and insert the following:

(b) There is authorized to be appropriated to the President for the fiscal year 1977, \$25,000,000 for security supporting assistance and economic assistance for countries in southern Africa other than Zaïre and Zambia affected by the crisis in that region. Such sums are authorized to remain available until expended. None of the funds provided in this subsection may be used to finance directly

or indirectly military or paramilitary or guerrilla activities by any government outside of its borders.

Mr. HUMPHREY. Mr. President, we have debated this before. This amendment now will provide that none of the funds provided in this section may be used to finance directly or indirectly military or paramilitary or guerrilla activities by any government outside of its borders. I might add that none of the money may be used for military purposes within the borders, because it is economic assistance and not military assistance.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTAÑA), the Senator from Mississippi (Mr. STENNIS), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Indiana (Mr. BAYH) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. McCLELLAN), the Senator from Kansas (Mr. PEARSON), the Senator from Delaware (Mr. ROTH), the Senator from Texas (Mr. TOWER), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 61, nays 12, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—61

Abourezk	Hansen	Moss
Baker	Hart, Gary	Muskie
Bartlett	Hartke	Nelson
Beall	Haskell	Nunn
Biden	Hatfield	Packwood
Brock	Hathaway	Pastore
Brooke	Hruska	Pell
Buckley	Huddleston	Percy
Bumpers	Humphrey	Proxmire
Cannon	Jackson	Ribicoff
Case	Javits	Schweiker
Chiles	Johnston	Scott, Hugh
Culver	Kennedy	Sparkman
Dole	Leahy	Stafford
Domenici	Magnuson	Stevens
Durkin	Mansfield	Stevenson
Ford	Mathias	Taft
Garn	McGovern	Thurmond
Glenn	McIntyre	Williams
Gravel	Metcalfe	
Griffin	Morgan	

NAYS—12

Allen	Fannin	Scott,
Burdick	Goldwater	William L.
Byrd,	Helms	Stone
Harry F., Jr.	Long	Symington
Byrd, Robert C.	Randolph	

NOT VOTING—27

Bayh	Fong	Montoya
Bellmon	Hart, Philip A.	Pearson
Bentsen	Hollings	Roth
Church	Inouye	Stennis
Clark	Laxalt	Talmadge
Cranston	McClellan	Tower
Curtis	McClure	Tunney
Eagleton	McGee	Weicker
Eastland	Mondale	Young

So Mr. HUMPHREY's amendment, as modified, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. I yield to the Senator from South Carolina, who has an amendment. Might I say very quickly that the amendment is an extremely constructive one. I have said to the Senator that we would like very much to accept it, but I want him to present it and make a statement.

AMENDMENT NO. 1666

Mr. THURMOND. Mr. President, I call up my amendment No. 1666 to S. 3439.

The PRESIDING OFFICER (Mr. CULVER). The clerk will report the amendment.

The legislative clerk read as follows:

At the appropriate place in the bill insert a new section as follows:

Sec. (a) The Secretary of State, in consultation with the Secretary of Defense, shall conduct a comprehensive study of the effects of the enactment of the arms export control provisions contained in title II of the International Security Assistance and Arms Export Control Act of 1976-1977 with a view to determining the consequences of such provisions on (1) the foreign policy of the United States, (2) the balance of payments of the United States, (3) the trade with foreign countries, (4) unemployment in the United States, and (5) weapons procurement by the Department of Defense.

(b) The Secretary of State shall submit the results of such study to the President and the Congress within one year after the date of enactment of this section together with such comments and recommendations for legislation as he deems appropriate.

Mr. THURMOND. My amendment would require the Secretary of State, in consultation with the Secretary of Defense, to conduct a comprehensive study of the effects of the enactment of the arms export control provisions contained in title II of the pending bill.

This amendment directs such a study determine the consequences of this provision as to our foreign policy, balance of payments, trade, unemployment in the United States, and weapons procurement by the Department of Defense.

As the bill manager may recall, a large number of Senators opposed the arms export control provisions of the Military Assistance Act of 1976. However, it was adopted although the veto which brings this bill back before us with fiscal year 1977 authorizations added was based on the arms export control provisions.

Mr. President, the implications of title II of this bill are very far reaching.

The provisions of title II will have great impact upon American industry and American labor. There was very little industry and defense testimony on title II before it was presented to the Senate.

The question of arms sales is one which deserves attention by the Congress. There are many reasons this is true. To list a few I would mention the following:

First. Arms sales are useful in enabling our allies to provide for their own defense;

Second. Arms sales, as an instrument of foreign policy, provide our Nation with influence in the recipient governments;

Third. Arms sales are an instrument to preserve a balance of power in various regions of the world.

Fourth. Arms sales in recent years have served as a key element in correcting any balance of payment deficits resulting from the huge outflow of cash for oil;

Fifth. Arms sales are a means to achieve standardization in weapons systems among our allies;

Sixth. Arms sales provide jobs for American labor;

Seventh. Arms sales by U.S. firms generate tax revenues for our Government; and

Eighth. Arms sales to foreign buyers provide for increased unit production and thus lower costs for our own armed services.

I have offered this amendment because it is my view that certain sections of title II may have an unfavorable impact in those areas I have mentioned. Only a study can give us data upon which to base future decisions in this area.

Mr. President, the floor manager of this bill, Mr. HUMPHREY, has indicated he would accept my amendment.

Mr. HUMPHREY. Mr. President, this is a very good amendment; I would hope the Senate would adopt it.

Mr. JAVITS. Mr. President, the same thing goes for the minority managers. I think it is a good amendment and should be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

Mr. ABOUREZK addressed the Chair.

Mr. HUMPHREY. Will the Senator yield to me?

Mr. ABOUREZK. I yield.

Mr. HUMPHREY. Mr. President, I send to the desk a series of technical amendments for the purpose of correcting the text of the bill, and ask unanimous consent for their immediate consideration en bloc and that the bill as amended be considered as original text for the purpose of further amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments are as follows:

On page 1, lines 3-4, strike out "International Security Assistance and Arms Exports Control Act of 1976-1977" and insert in lieu thereof "International Security Assistance and Arms Export Control Act, Fiscal Years 1976-1977".

Strike out "International Security Assistance and Arms Export Control Act of 1976" each time it appears and insert in lieu thereof "International Security Assistance and

Arms Export Control Act, Fiscal Years 1976-1977.

On page 9, line 4, immediately before "may" insert a closing parentheses.

On page 18, line 16, strike out "(f)" and insert in lieu thereof "(e)".

On page 29, line 21, immediately before the quotation mark insert a period.

On page 30, line 15, immediately before "of" insert "or (c) (1)".

On page 33, line 8, strike out "Forces" and insert in lieu thereof "Force".

On page 35, line 20, strike out "classified" and insert in lieu thereof "unclassified".

On page 45, line 18, strike out "furnishing military assistance" and insert in lieu thereof "making military sales".

On page 46, line 10, strike out "furnishing military assistance" and insert in lieu thereof "making military sales".

On page 50, lines 20-21, strike out "beginning with the fiscal year 1977".

On page 54, line 19, strike out "guarantees" and insert in lieu thereof "guaranties".

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the following members of my staff, the staff of the Committee on Foreign Relations and the Office of the Legislative Counsel have the privilege of the floor during the consideration of S. 3439, including all votes thereon: Daniel Spiegel, Richard Moose, Robert Mantel, William Richardson, Michael J. Glennon, Constance Freeman, Peter Lakeland, Geryld Christianson, and Steve Bryen.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that Alan Chvotkin of my staff be given the privileges of the floor during the debate on this legislation.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 1700

Mr. ABOUREZK. Mr. President, I call up amendment No. 1700.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. ALLEN. I object.

The assistant legislative clerk read as follows:

On page 78, after line 2, insert the following new section, and renumber the succeeding section accordingly:

SPECIAL LEBANON RELIEF ACT

SEC. 411. (a) This section may be cited as the "Special Lebanon Relief Act".

(b) LEBANON RELIEF AND REHABILITATION.—The Foreign Assistance Act of 1961, as amended, is further amended by adding at the end of chapter 9 of part I, relating to international disaster assistance, a new section as follows:

"SEC. 495C. LEBANON RELIEF AND REHABILITATION.—(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from civil strife in Lebanon and to restore the confidence of the people of Lebanon, hereby authorizes the President to furnish assistance, on such terms and conditions as he may determine including the issuance of housing guaranties in accordance with the authority and within the limitation of section 221 of this Act, for the relief and rehabilitation of refugees and other needy people in Lebanon.

"(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, \$20,000,000, which amount is authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491.

"(d) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Lebanon may be charged to the appropriations authorized under this section.

"(e) Not later than sixty days after the date of enactment of appropriations to carry out this section, and on a quarterly basis thereafter, the President shall transmit reports to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programing and obligation of funds under this section."

Mr. ABOUREZK addressed the Chair. The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I yield briefly to the Senator from Montana.

Mr. METCALF. Mr. President, I ask unanimous consent that the Committees on Commerce, Armed Services, and Foreign Relations, have until June 8 to file a report on S. 313.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. METCALF. I thank the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. Mr. President, the amendment I am now offering is a simple one. Essentially, it will add a new section to the Foreign Assistance Act bill to provide the statutory authorization for a \$20 million program of humanitarian relief and reconstruction for Lebanon. The legislation would provide the basis for the United States to meet its responsibilities it has already undertaken to assist in the relief of Lebanon.

This legislation, proposed by the administration after considerable work and discussion, was not presented to the Foreign Relations Committee in time to be fully considered during the markup of this legislation. I am hopeful that the distinguished chairman of the subcommittee, and the floor manager of this bill can agree to this amendment.

During the Senate debate on the second supplemental appropriations bill, the Senate adopted an amendment providing the appropriation for the relief effort, despite the fact that the authorization had not yet been passed. This was the same action with respect to Lebanon that was taken with respect to the relief aid for earthquake victims in Italy. Unfortunately, the joint conferees did not agree to include the \$20 million appropriation in the final conference report.

At the request of the Appropriations Committee, I prepared a background memo for the conferees. I ask unanimous consent to have printed at this point in the Record several documents relating to the special aid to Lebanon amendment. First, the background memo prepared for the Appropriations con-

ferees on the \$20 million appropriation; second, my letter to Chairman HUMPHREY indicating my intention to call up this amendment; third, a copy of the letter from the administration proposing a draft bill for Lebanon; and finally, a copy of a section-by-section analysis of the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Memo to: Conferees on the Supplemental Appropriations bill.

From: Senator JAMES ABOUREZK.

Re: Appropriations for Lebanon (Amendment No. 28).

On May 11, 1976, the Administrator for International Development, on the authorization of the President, submitted a proposal to the Congress that would provide additional emergency assistance to the people of Lebanon.

During the past year, the fighting that has taken place in Lebanon has caused the death of thousands of people, including innocent, non-partisan civilians. The physical destruction to Lebanon has been estimated to reach into the hundreds of millions of dollars.

Earlier this year, the Secretary General of the United Nations sent a special study team to Lebanon to assess the extent of the damage there, and to recommend an appropriate level of needed assistance. Based on that report, the Secretary General made an appeal for both international cooperation, and \$50 million for emergency, temporary assistance to the people of Lebanon.

During the debate on the emergency Guatemala Assistance bill, the Senate Foreign Relations Committee recognized the need for emergency assistance to Lebanon. Rather than utilizing an approach I had suggested (namely an amendment to the Guatemala Aid bill to provide funds for Lebanon) the Committee urged the Executive branch to give favorable consideration to participation with other nations in meeting the \$50 million United Nations' request. (See Senate Report 94-679, March 3, 1976 at 4.)

The Committee felt that, based on existing obligations in the disaster relief account, and assuming that the account is fully funded for the fiscal year, the approval of this authority would make adequate funds available for disaster relief in Lebanon, and strongly favored the use of the United Nations as the vehicle for distribution. The Foreign Relations Committee was of the opinion that the disaster relief account was sufficiently broad in policy to permit its use in this situation, and in meeting the special request.

The Guatemala assistance bill was fully funded by the Appropriations Committee, but only a few of the funds initially anticipated to be made available to Lebanon have thus been freed.

Unquestionably, the State Department has provided assistance to Lebanon. At last check, that assistance had amounted to well over \$1 million. But the assistance already provided has been of the most emergency type, primarily medical supplies and food. As the Administrator for the Agency for International Development indicated in his letter to the Senate accompanying the draft authorization bill, "The time has now come when additional, large-scale U.S. assistance is necessary. Although the primary purpose of this assistance is to alleviate the human suffering resulting from the civil strife, this proposed assistance can also help to restore confidence in Lebanon's future and encourage other interested governments to follow our example."

I introduced that authorization bill on May 11 (S. 3402). That legislation would provide the statutory authorization for the

State Department to meet part of the United Nations special appeal for assistance for Lebanon. The Senate Foreign Relations Committee, during its Tuesday markup of the combined fiscal year 1976 and fiscal year 1977 Foreign Assistance Authorization bill, received the proposed draft legislation too late to consider it as a part of the Committee bill. But the Committee did agree that the authorization was necessary, and agreed to consider the authorization during the floor debate.

The House International Relations Committee, on the other hand, did have sufficient time to consider the bill, and has already adopted it as a part of its Committee print. The amendment which the Senate adopted to the Supplemental Appropriations bill permitted the expenditure of funds for Lebanon that would be authorized by the Special Lebanon Relief bill. As I indicated during the floor debate of that amendment, the authorization bill had just been introduced, and the Foreign Relations Committee would undoubtedly agree with it. But there would not likely be another appropriations bill this fiscal year in which these emergency funds could be considered.

The amendment appropriated the funds for the transition quarter, providing the authorization were enacted. Information available at the time indicated that there was room for this sum in the transition quarter as opposed to the balance of fiscal year 1976.

Without the approval of the funds in this supplemental appropriations bill, it is unlikely that the United States would be able to meet its desired contribution to the United Nations' request, if at all, until the start of the 1977 fiscal year in October. The funds are needed as rapidly as possible, if they are to accomplish anything.

Of course, if the Appropriations Committee found that some funds would be available to be committed during the balance of fiscal year 1976, as opposed to the TQ, and (\$5 million of the proposed \$20 million would be highly satisfactory) the State Department has indicated its desire to be in a position to commit these funds as quickly as possible.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C., May 19, 1976.

HON. HUBERT HUMPHREY,
Chairman, Subcommittee on Foreign Assistance,
Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR HUBERT: During the final committee markup of S. 3439, the combined FY 76-77 security assistance bill, I understand that Senator Javits attempted to introduce the "Special Lebanon Relief Act," a draft proposal submitted by the Administration that would provide \$20 million in emergency, humanitarian relief and reconstruction assistance for Lebanon. Unfortunately, the Committee was just concluding its work, and was not able to discuss the proposed legislation.

Later that day, I introduced the "Special Aid to Lebanon" bill (S. 3402). I am writing to inform you that I would like to offer the legislation as an amendment to the Foreign Assistance bill when it comes to the floor.

I understand that the \$20 million in additional funds would not adversely impact on the Congressional budget resolution ceilings. I hope you will be able to agree to accept this amendment. The House of Representatives has already included this authorization in their proposed legislation.

As always, I appreciate your cooperation and attention to this request. With best personal regards, I am

Sincerely,

JAMES ABOWEZEK,
U.S. Senate.

MAY 11, 1976.

HON. NELSON A. ROCKEFELLER,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The President has authorized transmittal of the enclosed proposal which would provide urgent and specific action for assistance to Lebanon.

For more than a year the people of Lebanon have been the victims of tragic civil strife, which has left more than 15,000 dead and an ever-increasing number of injured and homeless. This situation has evoked expressions of sympathy and a desire to help from the Congress collectively, by individual members, and by the people of the United States.

The Agency for International Development has already extended immediate aid, including both medical supplies distributed through the American University Hospital in Beirut and financial support to the activities of the International Committee of Red Cross in Lebanon. Substantial additional funds are required, however, if the United States is to carry out adequately its traditional humanitarian role in this situation.

We believe the time has now come when additional, larger scale U.S. assistance is necessary. Although the primary purpose of this assistance is to alleviate the human suffering resulting from the civil strife, this proposed assistance can also help to restore confidence in Lebanon's future and encourage other interested governments to follow our example.

The proposed Special Lebanon Relief Act would authorize \$20 million to provide relief and rehabilitation assistance for the Lebanese people, tens of thousands of whom have been injured or have lost their homes, their possessions and in many cases their very means of survival.

These funds would be used in part to respond to the UN Secretary General's worldwide appeal for \$50 million for immediate needs in Lebanon, as well as to support the International Committee of the Red Cross and other public and private institutions providing urgent relief and rehabilitation assistance. United States leadership in responding to the UN appeal, for which we would use \$12.5 million of the proposed funds, representing 25% of the total appeal, will encourage other countries to be forthcoming. In any event, the passage of this legislation together with an appropriation, will be a tangible sign of our desire to respond positively to the people of Lebanon in their hour of need.

The Office of Management and Budget advises that enactment of this proposal would be in accord with the program of the President.

Sincerely,

DANIEL PARKER.

Enclosure.

A bill to provide emergency relief, rehabilitation and humanitarian assistance to the people of Lebanon, to amend the Foreign Assistance Act of 1961, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Lebanon Relief Act."

SEC. 2. LEBANON RELIEF AND REHABILITATION. The Foreign Assistance Act of 1961, as amended, is further amended by adding at the end of Chapter 9 of Part I, relating to international disaster assistance, a new section as follows:

"Sec. 495C. LEBANON RELIEF AND REHABILITATION.—(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from civil strife in Lebanon and to restore the confidence of the people of Lebanon,

hereby authorizes the President to furnish assistance, on such terms and conditions as he may determine including the issuance of housing guaranties in accordance with the authority and within the limitation of Section 221 of this Act, for the relief and rehabilitation of refugees and other needy people in Lebanon.

"(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, \$20,000,000 which amount is authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491.

"(d) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Lebanon may be charged to the appropriations authorized under this section.

"(e) Not later than 60 days after the date of enactment of appropriations to carry out this section, and on a quarterly basis thereafter, the President shall transmit reports to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programming and obligation of funds under this section."

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED SPECIAL LEBANON RELIEF ACT

The major purpose of the proposed Special Lebanon Relief Act is to provide authorization for appropriations for disaster relief and rehabilitation activities necessitated by the civil strife in Lebanon. The bill would amend the Foreign Assistance Act of 1961 (the Act) for that purpose and would also authorize the issuance of housing guaranties in conjunction with rehabilitation efforts.

Section 2 would add a new Section 495B to Chapter 9 of Part I of the Act, relating to international disaster assistance. The provisions of that section would provide as follows:

Subsection (a) contains a finding by the Congress that United States assistance is necessary to alleviate human suffering arising from the civil strife in Lebanon and to restore the confidence of its people and to that end authorizes the President to furnish assistance for the relief and rehabilitation of refugees and other needy people in that country. The section explicitly authorizes the issuance of housing guaranties in conjunction with rehabilitation efforts. Such guaranties would be issued in accordance with the authority of and subject to the limitation contained in Section 221 of the Act. These include a worldwide ceiling on the face amount of guaranties outstanding at any one time and requirements as to eligible investors.

It is not contemplated, however, that the guaranties would be subject to the requirements contained in subsection 223(j) which limits the issuance of guaranties to countries in which A.I.D. is conducting development assistance programs and which requires that the housing projects guaranteed be coordinated with development assistance programs. On the other hand, the issuance of guaranties would be subject to the policy provisions of section 491 which require that to the greatest extent possible U.S. aid reach those most in need of relief and rehabilitation as a result of natural or man-made disasters.

Subsection (b) authorizes the appropriation of \$20 million to carry out the purposes of the section. Amounts made available would be authorized to remain available until expended.

Subsection (c) provides that assistance

under the section must be provided in accordance with the policies and the general authority contained in section 491. As noted above, that section requires that to the greatest extent possible assistance reach those most in need. The authority also permits the furnishing of assistance without regard to other requirements of law, such as procurement and U.S. shipping requirements, which might impair the relief and rehabilitation efforts.

Subsection (d) provides that obligations previously incurred for the purposes of providing relief and rehabilitation assistance to the people of Lebanon as a result of the recent civil strife are authorized to be transferred to the appropriation account established by the section.

Subsection (e) requires that the President report to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives regarding the programming and obligation of funds authorized by the section. The first report would fall due 60 days after enactment of appropriations to carry out the section and subsequent reports would be required on a quarterly basis thereafter until the program has been completed.

Mr. ABOUREZK. Mr. President, it is an authorization only, as everybody understands, and at the appropriate time the Appropriations Committee will act upon this, depending on conditions in Lebanon.

Mr. HUMPHREY. Will the Senator yield?

Mr. ABOUREZK. Yes.

Mr. HUMPHREY. The Appropriations Committee has already acted on this, as a matter of fact.

Mr. ABOUREZK. It was not accepted in the House.

Mr. HUMPHREY. But the Senate Appropriations Committee—

Mr. ABOUREZK. The Senate Appropriations Committee has accepted this.

Mr. HUMPHREY. That is correct.

Therefore, the chairman of the Budget Committee has already had his say on this before the Appropriations Committee.

Mr. ABOUREZK. Yes, it has been cleared by Budget.

Mr. HUMPHREY. We would have no objection.

Mr. ABOUREZK. I thank the manager of the bill.

Mr. KENNEDY. Mr. President, I rise to urge support of the amendment introduced by Senator ABOUREZK and myself to provide an emergency authorization of \$20 million for humanitarian relief and rehabilitation programs in Lebanon.

The Subcommittee on Refugees, which I serve as chairman and of which Senator ABOUREZK is a member, has closely followed developments in Lebanon. In recent hearings with Under Secretary of State Joseph Sisco, as well as in consultations with various international relief agencies, the dimension of human need in Lebanon has been graphically documented.

The personal anguish and human suffering caused by the civil war in Lebanon almost defies description and belief. The frontlines are everywhere—and no one is safe from the sniper's bullet. Well over 20,000 people have been killed. Tens of thousands more have been wounded. The medical needs of the wounded grow each

day. Thousands of homes are destroyed, and refugees number in the hundreds of thousands—both within the country and beyond its borders. Beirut is devastated and government services are nonexistent.

And as each cease-fire has broken down in renewed violence, so, too, have efforts to provide relief. Communications are disrupted and water and electricity are in short supply. And so is shelter for the refugees, and blankets, clothing, food and medicines for the many thousands of civilian war victims in need.

In conversations with the president of the International Committee of the Red Cross, I learned last week that the ICRC's projected program of relief and medical support will run over \$2.5 million each month. This is for the Red Cross program alone.

In addition, some months ago U.N. Secretary-General Kurt Waldheim made an appeal for \$50 million for Lebanon, which everyone now acknowledges has been overtaken by events and falls far short of the total relief and rehabilitation needs.

By all these measures, Mr. President, this amendment for \$20 million represents the minimal American contribution to ongoing and projected relief programs for Lebanon. I urge its adoption, and I hope that officials in AID, upon its enactment, will speedily answer the appeal of the International Red Cross and approach the obligation of funds for Lebanon with the same sense of urgency and concern that Congress has shown in authorizing these humanitarian funds.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

Mr. ABOUREZK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes an amendment:

At the appropriate place in the bill, insert the following:

SEC. . The consent of Congress is hereby granted for the State of Minnesota or a subdivision or instrumentality thereof to enter into an agreement with the government of Canada, a Canadian Province, or a subdivision or instrumentality of either, providing for the extension of the Pinecreek Airport at Pinecreek, Minnesota, into the Province of Manitoba, Canada, and the operation of the airport by a joint Canadian-American airport authority. The effectiveness of such agreement shall be conditioned on its approval by the Secretary of State.

Mr. HUMPHREY. Mr. President, this is a rather unusual amendment for this bill. Let me explain why we offered it.

The State Department has been in negotiation with Canada on a very serious matter of airport safety in the borderline between the United States and

Canada. This airport happens to fall, in part, within the jurisdiction of the State of Minnesota. The lengthening of the runway for safety purposes will extend over into Canada and under the terms of the Constitution it is required that this action take place by the Congress.

The amendment has been drawn by the Department of State in an effort to expedite negotiations. All is ready in terms of the agreement between respective governments, but we have to have the consent of the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I do not believe there are any further rollcall votes tonight. There may be some further discussion on this bill.

Might I ask my friend from Alabama what his disposition is this evening?

Mr. ALLEN. I want to discuss the bill some more.

Mr. HUMPHREY. Yes, the Senator wants to discuss the bill.

Mr. ALLEN. Also offer other amendments, in time. That can be done tomorrow.

Mr. HUMPHREY. But we understand there will be no further rollcall votes tonight.

Mr. ALLEN. That suits me.

Mr. HUMPHREY. Very good.

Mr. ALLEN. I do not have any amendments to offer, but I do wish to discuss the bill at greater length.

Mr. HUMPHREY. Very well.

The PRESIDING OFFICER. Does the Senator from Alabama seek recognition?

Mr. ALLEN. Yes.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Mr. President, in the votes that we have had today, the Senate took some amazing action, so it would seem to me, when it had presented to it the issue of whether or not funds out of an authorized \$25 million should be denied to Mozambique.

It did not cut down on the \$25 million authorization, but it merely said that this police state, Mozambique, carrying on, as it is, guerrilla and revolutionary activities against the stable Government of Rhodesia, being one of the worst police states in the entire world—even worse than the Soviet Union—when the issue was presented, Shall Mozambique be denied any funds under this bill?, the Senate, to my surprise, voted that they should not be denied money under this bill.

The Secretary of State had already made his speech, saying that because of a recent Security Council resolution the United States is willing to provide \$12.5 million of assistance to Mozambique.

When they get ready to divide up the loot, they are going to see that Mozambique gets its \$12.5 million out of this \$25 million. And yet this action is taken in the face of a provision of the bill itself that describes the policy of the United States as being one of protecting human rights and not giving any assistance to nations that do not protect human rights. It goes on and appropriates the \$25 million and allows it to be divided up,

as it now stands, by the administration, I assume, or, later, by the Appropriations Committee, possibly.

The Senate refused to rule out this police state dictatorship from getting any funds.

The Washington Post in its editorial of May 28 spoke of giving this \$25 million, \$30 million to Zaire, and \$30 million to Zambia as American Support of African Violence. That is the heading of the editorial. It seems strange to me that the United States would spend taxpayers' money in subsidizing the economies of states seeking to get them to carry on revolutionary and guerrilla activities against one of the few stable governments in all of Africa.

We criticize Russia, the Washington Post points out, for getting involved in Angola through the Cuban troops, and yet here we are doing exactly the same thing, spending taxpayers' money to subsidize guerrilla and revolutionary activities.

The Washington Post is wise enough to see that that is a contradiction on the part of the Senate but, unfortunately, Senators are not able to see the forest for the trees. They do not see that contradiction.

The Senate bill also has another amazing contradiction. Some weeks ago the Senate denied assistance to the factions that were helping Angola fighting against the Marxist government. Now, after the Cubans and the Russians have taken over Angola, they are belatedly offering or authorizing assistance to some of the very same nations that had been beneficiaries of Angolan aid some weeks ago when the Senate turned that down.

Now when it cannot do any good the Senate comes forward and says, "Yes, let us give \$30 million to Zaire, \$30 million to Zambia, and \$25 million"—to what? Listen to what the Secretary says: \$12.5 million to Mozambique.

Then the Secretary comes forth in his speech on April 27 in Zambia and says, "The United States, together with other members of the United Nations"—and how he thinks he can speak for members of the United Nations when they never or very seldom support anything the United States is interested in in the General Assembly of the U.N.—"is ready to help alleviate economic hardship for any countries neighboring Rhodesia which decide to enforce sanctions by closing their frontier."

So we have plenty of money for revolutionary activity; plenty of money for guerrilla activities. All they have to do is sign up in the effort to topple the stable Government of Rhodesia. Then they are free to dip into the American taxpayers' pockets. Just sign up for this ongoing battle against Rhodesia; sign up to carry on guerrilla and revolutionary activities; sign up for all sorts of violent activities; do whatever is necessary to topple this government.

It does seem that is going a little bit far.

Let us see this well-reasoned editorial in the Washington Post.

They criticize me for my general views. They had to do that to be respectful. They wanted to have something nice to

say about my position, because they believed in my position, but had to hit at my general views.

"We think, nonetheless, he is right"—They are talking about the junior Senator from Alabama (Mr. ALLEN).

Says the editorial:

We think, nonetheless, he is right to ask why the United States should support an armed attack on an established government across an international border, regardless of how reprehensible that government may be and irrespective of how it holds power. You don't have to be soft on Salisbury and we wouldn't exactly place ourselves in that category, to be worried about whether even indirect American collaboration with Mozambique in this enterprise would not create a questionable precedent in a highly explosive situation. It would move Washington uncomfortably closer to doing in Rhodesia exactly what it criticized the Soviets for doing in Angola.

There we have the major contradiction that the Washington Post speaks of in the action of the Senate:

American sympathy for black liberation should be unhesitating and beyond question. But whether the United States should support this objective by lending it financial weight to a policy of violent intervention is quite a different issue, and one that is fraught with more than enough perils and pitfalls to justify a prompt and full debate.

Mr. President, many of the Senators who generally follow the line of the Washington Post—the Senator from Alabama is not usually one of those—disregarded the advice of the Washington Post here. They failed to see the contradictions that the action of the Senate resulted in. They failed to see that our aid of revolutionaries and guerrillas operating into Rhodesia from the other countries that we are assisting is not greatly different from that of the Russians in supporting the Cuban invasion of Angola. What is the difference between us arming or allowing neighboring nations to arm troops and guerrillas to go in and engage in violent and revolutionary and guerrilla activities, and the Russians in financing, furnishing, and supplying the Cuban troops? Why, there is not one bit of difference, as the Senator from Alabama sees it. So how are we going to condemn Russia for interfering in Angola, when we interfere elsewhere on the continent?

If that powder keg explodes there in South Africa, who is going to be blamed for it? A part of the blame is going to attach to the policy of the administration, strongly supported here in the Senate. If we have massacres all over that land, if we have violent overthrow of that government, if we have civilians slaughtered by the hundreds of thousands, who is going to have the blame?

The United States is supposed to help mold public opinion or world opinion in the direction of peaceful aims, of legal change in governments, and is supposed to stand against lawlessness and violence and guerrilla attacks throughout the world. But, Mr. President, what we are doing here is spending \$85 million of the taxpayers' money to aid rebellions, to aid anarchy, to aid despotism, to aid police states, to aid dictators.

The distinguished Senator from Minnesota (Mr. HUMPHREY) pointed out that

while the \$30 million to Zambia and the \$30 million to Zaire was authorized for each of 2 years, the \$25 million to the other African nations was only a 1-year authorization. He—kind of with tongue in cheek, it seemed to me—naively suggested that this could well be a one-shot affair.

He knows that is not the way Federal handouts proceed. They get bigger and bigger and bigger. If we authorize \$25 million this year, it will run much more than that the next year.

There is also a budgetary problem here, but I did not hear any remarks from the distinguished chairman of the Senate Budget Committee, or any other members of that committee, for that matter, about the effect on the budget this \$85 million would have. It is not mentioned in any of the resolutions, or was not included in the OMB budget, but I guess \$85 million is a bagatelle in the eyes of the Senate.

Mr. President, I have read from the Washington Post on this subject. Possibly the other end of the spectrum would be the Wall Street Journal, in its views. I would like to comment a little bit on what the Wall Street Journal had to say on May 31 about this subsidization of revolution and subversion and guerrilla activities in Africa.

Commenting on this policy of subsidizing these nations, and in fact urging them by holding out this subsidy or this bribe—I am not saying it is an illegal bribe in that sense, but it is certainly an immoral payment—this policy of bribing African nations to take a stand against Rhodesia by depriving them of taxpayers' money—I am reading out of context here; my reference to this policy is not commented on in this editorial, but the editorial is entitled "Henry Kissinger's African Policy," and so it is not my interpretation of it:

This policy is not without a certain plausibility, especially since Secretary Kissinger banned arms aid to either side, and took pains to distinguish the case of Rhodesia from that of South Africa. But two things profoundly disturb us.

The first is the moralistic rhetoric in which the Secretary chose to wrap this cold-blooded realpolitik. The low point of this rhetoric was his echoing the citation of the U.S. Declaration of Independence by the Lusaka manifesto, signed by black African rulers seven years ago in Zambia. Here are Jefferson's words about men being created equal and having inalienable rights, being cited by an American Secretary of State on behalf of, albeit among others, General Idi Amin.

Inalienable rights are not guaranteed for blacks in Rhodesia or South Africa, but neither are they guaranteed for blacks in most of black Africa. All but about five of the 49 members of the Organization of African Unity are either military or civilian dictatorships. Some black African states "solve" their racial problems by exterminating or expelling religious, tribal or racial minorities. Rhodesia and South Africa certainly do embody deeply flawed racial and political attitudes, but to no greater an extent than most of their neighbors. If their governments were overthrown by an "African liberation movement," the likelihood is that in terms of political and civil rights the regimes that replace them would not be better but worse.

The second thing that disturbs us is more substantive, which is giving aid and comfort to efforts to settle international disputes by

force of arms. Of course, Secretary Kissinger would prefer to see the Rhodesian government negotiate rather than be overthrown in a guerrilla war. But in pledging increased economic aid and "unrelenting pressure," Secretary Kissinger is clearly encouraging resort to arms.

And that is what I object about this, Mr. President. The U.S. Government is subsidizing a resort to arms to settle the African problem:

We much prefer one of his predecessors' strictures against governments that won't leave their neighbors alone.

Now, clearly it is in the U.S. interest to avoid racial war in southern Africa, with all the opportunities for Soviet adventurism that would bring. It is altogether appropriate for the U.S. to warn black Africa about resorting to arms, and to counsel transition to black rule in Rhodesia and the end of apartheid in South Africa. Of the several keys to such an exercise, the most important is to persuade the white South African electorate to support the compromises its leaders know to be necessary. It will not help if South Africa is isolated as Rhodesia was isolated a decade ago, and it appears Secretary Kissinger's rhetoric has gone down badly even with the South Africans who oppose their government's racial policies.

We can understand the tactics of Secretary Kissinger's African policy, and certainly share his concern about the Soviets. But if the tactics require rhetoric suggesting the Declaration of Independence means no more to the Secretary of State than it means to black African leaders, if they require the U.S. to take the side of forces that export revolution, if they alienate the people most necessary to a long-term solution, then perhaps it is time for tactics to yield to strategy.

Mr. President, at this time, I would request the yeas and nays on the bill on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. ROBERT C. BYRD, Mr. President, I assure the Senator I will do all I can to help get the yeas and nays for final passage. I do not believe we can get them at this point.

Mr. ALLEN. Very well.

I move then that the bill be postponed until tomorrow.

Mr. ROBERT C. BYRD, Mr. President, the Senator does not need to make that motion. I intend to go out immediately as soon as the Senator gives up the floor.

Mr. ALLEN. Very well. I make the motion. Then the Senator could move to go out. I do not want merely to yield the floor. I would make the motion that we postpone this bill until—

Mr. ROBERT C. BYRD, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object at the end of the day as we are prepared to go out, and I see no reason why all Senators should be required to come back and answer the quorum call. I will not object. But that does not mean that on

tomorrow I will not institute the same policy I had at the start of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS SUBMITTED

Mr. CASE. Mr. President, today we are considering a revision of the International Security Assistance and Arms Export Control Act of 1976. The original measure, S. 2662, was returned to the Congress without the approval of the President. This new measure combines the 1976 authorization and the 1977 authorization for the security assistance programs and makes available authority for funding in the interim quarter period.

The revised version brings to the floor of the Senate legislation that accommodates the policy objectives of a majority of the Senate Members and, at the same time, is intended to accommodate the objections of the White House to certain procedural and policy aspects of the earlier legislation. I think this goal has been met in this new measure. If the bill is adopted and implemented, many changes for the better will be made in our security assistance programs.

This new legislation, designated S. 3439, establishes orderly procedures for the review of the complex issues involved in the sale and transfer of the weapons of war; it lays down a systematic means for the executive branch and the Congress to evaluate the important human rights component of American foreign policy; it assists in protecting American citizens against discrimination by foreign governments or by other Americans, official and unofficial.

Let any of us forget, this legislation is of utmost importance in keeping our international commitments throughout the world including that most volatile area, the Middle East.

As the author of those parts of this legislation dealing with discrimination, the transition quarter, and as one of the coauthors of the human rights provisions of this bill, I would like to share with my colleagues my thoughts on these particular matters.

THE ANTIDISCRIMINATION AMENDMENT

When I first proposed that it was important for our Government to protect American citizens participating in our security assistance programs against discrimination by other foreign governments or by American business firms or even by our own Government at the request of foreign governments, I was reiterating the basic principles of our Constitution. I did not expect a negative reaction from the executive branch.

At the time, legislation I authored earlier this year prohibiting discrimination against Americans working in our foreign economic aid programs already had been adopted by the Congress and signed into law by the President. However, when it came to the question of prohibiting discrimination in our military assistance programs, the reaction has been intense.

It seems to stem from a great fear by our officials that certain nations will be deeply offended if we send certain Americans to them to help carry out our multibillion-dollar military assistance

and sales program. They want to exclude particular American citizens—not for lack of skill or expertise, but on grounds that are unacceptable under our own laws. It is my view that we cannot continue to acquiesce in discrimination against our own citizens.

The administration has recommended that the Congress adopt policy statements on the matter of prohibiting discrimination. It has not urged sanctions that might meaningfully put an end to discrimination.

It seems strange indeed to me that our Government which opposes the South African policy of apartheid and will not, therefore, sell arms to South Africa, will do nothing substantial to assist American citizens who are being blacklisted and boycotted because of their race, religion or color, or ethnic background.

My original proposal was modest. In cases where discrimination was alleged under our military assistance or foreign military sales program, the President would have the power to investigate the situation and, if there was truth to the allegations, to seek to remedy the exclusion of an American from our assistance programs. The President's hands were not tied—no specific time limit was set. The only responsibility imposed was for the President to try and remedy cases where there was discrimination.

If the President failed in his effort to reverse a case where discrimination had occurred, then he was both empowered and required to terminate the particular transaction in which there had been discrimination.

The original measure did not ask for an end to all of our assistance and sales programs—it imposed only a requirement that if there was discrimination in one particular program then that program or "transaction" was not to continue.

The written objections in the veto message to the anti-discrimination amendment unfortunately lack precision. But private discussions with National Security Council officials, it became clear that the main complaint was not that the President was required to make a finding of whether there was discrimination against Americans, but rather that he was compelled to terminate a particular transaction as a consequence.

It is my view—and in this I am supported by the Foreign Relations Committee—that the automatic requirement for the President to terminate a particular transaction is unnecessary. Rather, the responsibility for imposing sanctions ought to be shared by both the executive branch and the Congress.

My colleagues on the Foreign Assistance Subcommittee agreed. Accordingly, this new measure provides that the President shall report to the Congress and make whatever recommendations he deems appropriate to help correct cases of discrimination against Americans. Congress may go along with the President's recommendations or, in the alternative, Congress may take any action it chooses, including termination of a transaction by joint resolution, under a

privileged procedure in the Senate assuring prompt and timely action.

The best way to stop discrimination against American citizens is to bring to it full public attention. I am confident that Americans oppose bias against their fellow citizens. This amendment seeks to achieve this goal, and, I believe, it will succeed in doing so.

HUMAN RIGHTS

Respect for human rights and respect for the dignity of the individual is basic to the spirit of America. From the very start of our history, concern for "the rights of man" has been elemental for Americans. Unfortunately, the 20th century has brought with it new possibilities not only for the advancement of mankind through scientific development, but also for the destruction of man and, worst of all, the denial of the dignity of man. Outright warfare has taken a fearful toll. But even more repugnant has been the use of science backed up by brute force against people and groups living in various societies throughout the world. Repressive, totalitarian-like governments have not shirked applying the most dehumanizing techniques to achieve compliance with the demands and desires of their governments. Unfortunately, in some cases, America, along with other western countries, has found itself in the unpleasant position of assisting nations whose governments have severely abused the rights of their citizens.

In some instances, it can be argued that we have no choice—that our support is a consequence of our own security needs and giving our support does not mean that we condone torture or brutality or the denial of rights and freedoms.

But in other cases where our support is basic to the security of the recipient nation, we cannot let abuses of human rights pass unnoticed.

To me this is reason enough for the Congress to establish a procedure to deal with the question of human rights in the area of foreign affairs. Our action need not be based only on our moral sensibilities: Dealings with a government which treats its own citizens abusively is to deal with regimes that may be erratic, unreliable or short lived. So for very practical reasons, concern for human rights is of first importance.

The human rights section of S. 2662, the original 1976 authorization bill, was very strong—and I believe the new human rights provisions of S. 3439 are equally compelling. The main difference between the two provisions is the modification in this new bill replacing the concurrent resolution procedure—which was to be acted on when Congress, under the human rights section, terminated foreign military assistance programs and sales because of a finding that a specific state had carried out acts against its own people judged to be gross violations of human rights. Instead of a concurrent resolution formula, which allowed Congress to take action without the President retaining the right to veto a congressional resolution, the Foreign Relations Committee has substituted a joint resolution formula. Under this system,

the Senate acts under an expedited procedure, if it deems it necessary, but the President retains the right to veto congressional action.

The question has been raised whether this new provision is adequate. I think it is, because it is not the central part of the human rights amendment. The heart of the human rights section is the requirement it places on our top leadership to recognize and act on legitimate human rights concerns. Congress can quickly and easily request reporting on specific rights abuse cases. The Secretary of State must respond to these requests through a newly created Coordinator for Human Rights in the Department of State. The Coordinator will be a specialist, appointed by the President and confirmed by the Congress. He will be answerable not only to the Secretary and to the Congress, but to the public.

This is the heart of the human rights section of this measure.

INTERIM QUARTER FUNDING FOR ISRAEL

Since the passage of S. 2662 and the initial approval in the Senate and the House of the appropriations legislation accompanying S. 2662, questions have been raised by the executive branch on so-called fifth quarter funding for Israel and other Middle Eastern aid recipients. The additional funds, particularly for Israel, have been portrayed by some officials as unjustified and excessive and not in line with Israel's true needs or U.S. pledges of help for Israel. In my view, such characterizations of the congressional decision to include fifth quarter funding for these countries, and Israel particularly, are unfair and unfounded. Our help is needed.

Particularly acute is the situation in Israel. It was best described by the Deputy Administrator for the Agency for International Development on April 5, 1976. Mr. Murphy said:

... Although Israel is a developed economy by most standards, it is critically extended. Its foreign debt is estimated to be more than \$7.8 billion or about \$2,300 per capita, one of the highest in the world. Foreign exchange reserves are ... equal to only about two months' imports. The trade deficit for 1975 is estimated to be \$3.7 billion. The inflation rate was 24 percent in 1975, despite the Government's recent austerity measures, inflation is expected to continue at this magnitude in 1976. Defense spending, despite a slight proportional decrease, is still an estimated 40 percent of the total budget and about 30 percent of the total Gross National Product.

Israel has taken strong measures to mitigate the situation. In order to maintain its competitive position in world trade, Israel has instituted successive devaluations totaling 72 percent during the last 15 months. Domestic taxes have been increased substantially. Government subsidies reduced, and the controls on nonessential imports tightened. But the magnitude of its economic problems is simply too great for Israel to cope with effectively without substantial outside help.

Especially difficult for Israel is its defense expenditures growing out of Israel's need to modernize its armed forces and to acquire equipment to counteract the new threats resulting from the 1973 war. New Soviet weapons with capabili-

ties we had undervalued have changed the military balance in the Middle East.

Modern equipment is expensive. Moreover, because of the heavy demands on our arms industry and the greater sophistication of weaponry and uncertainty of buyer markets, Israel, along with other nations, has been compelled to pay for arms well in advance of deliveries. This has meant an unanticipated demand on Israel's resources, it has meant, as well, that aid estimates were too low.

This point was driven home hard by Secretary of Defense Rumsfeld in a letter to the Director of the Office of Management and Budget. The Secretary of Defense stated:

Current budget proposals provide the Government of Israel (GOI) with credit funds totaling \$2.5 billion for the purchase of defense articles and services during FY 76/77. Department of Defense (DOD) cash requirement forecasts, however, indicate that Israel will need substantially more than the \$2.5 billion to meet payments coming due on existing Foreign Military Sales (FMS) orders and the new orders that will be received pursuant to commitments made during Mr. Rabin's recent visit.

Our projections show that the shortfall will be about \$765 million by the end of FY 77. Similar forecasts made by GOI indicate that the shortfall will be \$1.6 billion. GOI defense representatives insist that there are no alternative means of financing their procurement of U.S. Defense items. Thus, the shortage of credit financing is a matter of serious concern.

Consequently, the decision by the Congress to authorize fifth-quarter funding conforms to the findings of the Department of Defense on Israel's military needs and her shortage of funds to pay for the equipment. It rests also on the Agency for International Development's finding of Israel's acute economic situation, in spite of attempts by the Government of Israel to take extreme internal measures to cope with the situation.

Postponement of the purchase of arms, which we agreed to sell to Israel, will not improve the situation—for the result will be only to make the weapons more costly. Postponement which may delay some deliveries into the 1980's can create an advantage for the Soviets which will put more arms in the area and jeopardize Israel's security.

The decision by the Foreign Relations Committee to go with fifth-quarter funding was a responsible effort to deal with the worsening situation. It was taken in concert with the executive branch, as the minutes of the Foreign Relations Committee make clear. On January 29, the Foreign Relations Committee discussed fifth-quarter funding and Senator HUMPHREY reported to the committee that Secretary of State Kissinger had no objection to the action taken by the committee.

Seeking peace in the Middle East is a complex and delicate process that has been undertaken with the best good will this country can muster. But to help to get the peace we have to fulfill our commitments and assurances. Likewise, we have to take care lest we create an opportunity for the hard liners in the Soviet Union to create trouble in the region by increasing arms deliveries and

tempting the Arab States away from the peacemaking process. The fifth-quarter funding mechanism is a responsible way to deal with an unanticipated financial problem encountered by Israel and to give Israel the assurance that we are looking after her legitimate needs.

There are many other important provisions of the International Security Assistance and Arms Export Control Act of 1976-77. They have been described expertly by the chairman of the Foreign Assistance Subcommittee, Senator HUMPHREY. I am pleased to join him today in urging support for this measure and prompt passage by the U.S. Senate.

THE SYMINGTON AMENDMENT

Mr. RIBICOFF. Mr. President, I rise in support of Senator SYMINGTON's amendment as provided in section 669 of the bill as reported by the Foreign Relations Committee.

This provision represents the first statutory action, as distinguished from past resolutions, by the Congress to deal with the terrible problem of the rapid spread of nuclear weapons capability around the world.

By requiring a cutoff of U.S. economic and military assistance to nations engaging in the dangerous trade of uranium enrichment or plutonium reprocessing plants, this provision takes an important step in strengthening U.S. nuclear export policy and should, therefore, receive the strong support of this body.

The nuclear export and nonproliferation policy of our Government should be structured with one very simple, but extremely important, goal in mind. That goal should be the prevention of the national production and stockpiling of commercially produced plutonium and weapons-grade uranium anywhere in the world. This provision, by making clear that such exports, if they are to take place at all, should be under multinational auspices and comprehensive safeguards, makes an important contribution toward the establishment of such a policy. I commend Senator SYMINGTON, who has spent many years studying and agonizing over this problem, for offering this provision.

I wish to note, Mr. President, that the United States, as a matter of long-standing policy, has refused to export enrichment and reprocessing facilities to any country in the world. This policy, however, has not been adhered to by other major nuclear supplier nations, particularly West Germany and France. In recent months, West Germany has agreed to export an entire nuclear fuel cycle, including reprocessing and enrichment facilities, to Brazil—a nation that has not ratified the nuclear nonproliferation treaty—NPT—and, therefore, has not made commitments to place all of its nuclear activities under the safeguards of the International Atomic Energy Agency—IAEA—and to forswear the development of a nuclear explosion program. Germany is now considering introducing such dangerous nuclear facilities into the Middle East by negotiating an agreement similar to the Brazilian deal with Iran. France has included the

sale of a reprocessing plant to Pakistan, a non-NPT nation, and is actively offering the sale of such plants on the world market.

It is essential, Mr. President, that the United States make every effort to persuade Germany and France not to proceed with these exports on a national basis, if at all. Every effort should be made by our diplomats at the upcoming Nuclear Suppliers Conference in London this month to establish cooperative arrangements among the supplier nations for providing all fuel services required by reactors that are sold abroad. This would eliminate the need for the export of fuel facilities that will lead directly to the creation of stockpiles of nuclear-weapons material under the sovereign control of individual nations.

If the massive production of plutonium as a byproduct in commercial nuclear power reactors that is projected for the near future is not to lead to the rapid spread of nuclear weapons throughout the world, then there must be a ban on the export of these facilities by any supplier. There is no commercial justification for the construction of small, nationally controlled enrichment and reprocessing plants anywhere in the world. Economies of scale and stronger safeguards that could be applied to large, multinational facilities make clear the need for the establishment of such facilities by the supplier countries as an alternative to the export of small, nationally controlled plants.

The hearings on S. 1439, the Export Reorganization Act, recently concluded by the Senate Committee on Government Operations—which were chaired on an ad hoc basis at my designation by the distinguished Senator from Ohio (Mr. GLENN)—helped to develop a compelling case for prohibiting the export of national reprocessing and enrichment plants. Senator SYMINGTON has come to the same conclusion as a result of the hearings he has held as chairman of the Foreign Relations Committee's Subcommittee on Arms Control, International Organizations and Security Agreements. And this position is clearly laid out in the Symington amendment to the bill before us today.

My only reservation with respect to this provision is the insertion of the words "when available" which serve to modify the conditions under which a U.S. military and economic assistance cutoff would be triggered by the import of a national enrichment or reprocessing plant. The "when available" applies to the existence of a multinational framework within which such a nuclear facility would be built and operated. I wish to stress that the availability of multinational arrangements for nuclear fuel facilities is presently available if only the United States and the other nuclear supplier nations can agree to putting such a system into effect. Therefore, I would hope that this term, "when available," will not be interpreted to mean that multinational arrangements are not now available—only that they have not yet been implemented. It is essential that the United States make every effort to

establish the availability of multinational arrangements at the upcoming Suppliers Conference.

I have proposed, Mr. President, that the United States go even further than provided in the Symington amendment in dealing with nations that insist upon exporting and importing national nuclear fuel facilities. I believe that the United States should offer to enter into a market-sharing arrangement with the other nuclear suppliers, but also be prepared to cut off the supply of enriched uranium to exporters like France and West Germany if they continue to engage in export activities that will lead directly to the production and stockpiling of weapons-grade materials in nonnuclear weapons countries.

I recognize that this is a drastic step—and one that should not be pursued until all avenues of negotiations have been exhausted—but an option nevertheless that should be recognized both by the United States and the noncooperative suppliers as being available if present dangerous nuclear trade is not curtailed.

Recognizing, however, that the Symington amendment is an important step toward alerting the world to a hardened U.S. position on such dangerous nuclear trade activities, I give it my strongest support and urge my colleague to do likewise.

S. 3512—INTRODUCTION OF THE CONTRACT DISPUTES ACT

By Mr. CHILES:

S. 3512. A bill to provide for the resolution of claims and disputes relating to Government contracts. Referred to the Committee on the Judiciary and the Committee on Government Operations, jointly, by unanimous consent.

Mr. CHILES. Mr. President, I am today introducing S. 3512, a bill which would reestablish principles of equitable treatment for both the Federal Government and Government contractors in contract disputes and claims.

This legislation is comparable with H.R. 6085 which has been introduced by the distinguished chairman of the House Judiciary Committee (Mr. RODINO).

CLAIMS LOGJAM THREATENS NATIONAL DEFENSE

At this very moment there is a logjam of \$1.9 billion worth of claims now pending between the Navy and shipbuilding companies, which might never have arisen if the new procedures embodied in this legislation had been available. This particular situation has developed to the point where the companies suffer, the taxpayers suffer and, in the Pentagon's own words, this claims tie-up "threatens the national defense."

This bill provides us with an opportunity to assert some leadership to reform the system—rather than just sitting back until we are faced with another vote to bail-out a company under Public Law 85-804, because the system is about to collapse again.

PROVISIONS OF THE BILL

Put simply, this legislation would:

Set reasonably prompt time limits to move disputes to successively higher

forums as necessary: from the contracting officer, to an agency conference and to the appeals board or to court.

Grant both the Government and contractors the right to judicial review of appeals board decisions.

Empower the court to fully dispense with the case rather than continual remand to the agency board for additional facts or evidence.

Set up an experimental small claims board to promptly dispense with claims under \$25,000.

Establish added independence for agency appeals boards and authorize the Office of Federal Procurement Policy to increase efficiency and uniformity through optional board consolidations and case referral policies.

KILLING OFF COMPETITION

From one viewpoint, our present system of resolving disputes and contract claims makes some people wonder whether it is the intent of the Federal Government to literally drive business away from the Government marketplace. This is happening. I say this because after careful study of the situation, as a member of the Commission on Government Procurement, I have concluded that our current system of resolving disputes is beset by serious problems of delay. A contractor can be funneled into a long and convoluted pipeline from which he may never emerge. Such delay, combined with the impact of high interest rates, inflation and sheer frustration have driven many corporations to declare publicly that they will never again do business with the Federal Government.

And why not? Faced with an adverse agency appeals board decision, he essentially has no place to go. And even though that appeals board may have been totally fair and objective, there can be lingering doubt because the board was closely tied to the same agency which awarded the contract.

SMALL BUSINESS FRUSTRATION

A highlight of the legislation is the provision to create an experimental small claims board, similar to a small claims court, which would provide an inexpensive forum for resolving minor disputes without requiring the contractor to go to Washington to plead for relief.

There is nothing more frustrating to a small businessman who feels he's received a bum deal from the Government than to face years of protest proceedings and thousands of dollars in legal fees just to seek justice. The amounts may be small, but we frustrate anyone who wants to stand on principle.

There is no reason why we cannot provide a forum outside Washington where they can resolve their problems quickly and fairly without legal costs which exceed the value of the dispute.

ULTIMATE RESULT: NO BIDDERS

The hostility and resentment have contributed to the fact that, today, Government solicitations for the construction of some naval ships have had no bidders at all, because contractors seem to believe that when a contract dispute occurs, there is little likelihood of a fair settlement.

Unfortunately, there are many similar examples of the complete disarray which has developed in the resolution of contract disputes. Cases rebound between Federal agencies and the courts for years. Contractors have been pushed into bankruptcy or have given up in frustration and disgust. Agency programs have been delayed or halted, because of a lack of interested bidders, or because the few bids received were higher than anticipated.

PRESIDENT LINCOLN OVERRULED: THE KING CAN DO NO WRONG

To demonstrate how far we have drifted in unbalancing the powers of settlement, consider President Abraham Lincoln's conclusion in his 1862 message to Congress when he stated:

It is as much the duty of the government to render prompt judgment against itself, in favor of citizens, as it is to administer the same between private individuals.

President Lincoln argued to relinquish the doctrine of "sovereign immunity," which Judge Spector of the U.S. Court of Claims called "one of the less attractive aspects of the common law inherited from the English, illustrated by the maxim that: 'The King Can Do No Wrong.' That is a concept that most Americans would consider repugnant today."

Yet, as a practical matter, the contract disputes arena has seen the Government move back toward a doctrine of sovereign immunity despite what turned out to be ineffective attempts by Congress to refute the doctrine in the Tucker Act of 1887 and the Anti-Wunderlich Act of 1954.

Current disputes problems are caused in part by a de facto limitation on the right to judicial review except in very limited circumstances. Congress has never clearly shaped the legal remedies system nor has it ever promoted or endorsed the drift back toward "sovereign immunity." The drift has been shaped by contract clauses fashioned by Government employees charged with drafting regulations and forms and punctuated by occasional split Supreme Court decisions interpreting those clauses, most notably in the 1950 Moorman case, the 1951 Wunderlich case and the 1963 Bianchi case.

Referring to the 1950 and 1951 cases, Judge Spector notes that:

Both decisions featured strong dissents. Mr. Justice Douglas stated: "It makes a tyrant out of every contracting officer." The late Mr. Justice Jackson observed, with respect to the objectivity of employees of one party to the contract: "Men are more often bribed by their loyalties and ambitions than by money," adding "I still believe one should be allowed to have a judicial hearing before his business can be destroyed by administrative action."

We need this legislation, Mr. President, because when it comes to contract disputes, in many respects, "The King Can Do No Wrong."

MUTUALITY OF INTERESTS

Government contracting is coextensive with Government itself. Inefficient, unfair procurement procedures are not in the Government's best interests. Not only are essential contractors driven out

of competition for Government contracts, but those who remain are forced to submit consistently higher bids at the taxpayer's expense. The point is, of course, that procurement procedures, if they are to be in the national interest, must be fair to both parties to a Government contract. Otherwise, both parties to the contract are poorly served.

SYSTEMATIC REFORM NEEDED

Mr. President, I believe the time has come for the Congress to take positive action to bring order out of this chaos. This bill would achieve the objectives sought by the Commission on Government Procurement:

Induce resolution of more contract disputes by negotiation prior to litigation. Equalize the bargaining power of the parties when a dispute exists.

Provide alternative forums suited to handle the different types of disputes.

Insure fair and equitable treatment of contractors and Federal agencies.

Mr. President, competition, minimal Government regulation, the fair and swift resolution of disputes, these benefits can hardly be measured in dollars, yet they form an important part of the foundation on which this country prospers.

I ask unanimous consent to have some supporting documentation printed in the Record: letter from two highly respected jurists from the U.S. Court of Claims, Judge Louis Spector, and Chief Judge Wilson Cowen, both letters showing support for the bill's provisions and opposition to suggested deviations; a Washington Post article demonstrating how serious claims problems have become in shipbuilding; the text of the bill; and a section-by-section analysis.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 3512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Contract Disputes Act".

DEFINITIONS

SEC. 2. As used in this Act the term—

(1) "executive agency" means an executive agency as defined in section 105 of title 5, United States Code, a military department as defined by section 102 of title 5, United States Code, the United States Postal Service, and the Postal Rate Commission, but such term does not include the General Accounting Office;

(2) "contracting officer" means a Government employee authorized to execute, award, administer, terminate, or otherwise modify or alter a contract on behalf of the Government;

(3) "contractor" means a party to a Government contract, other than the Government, except that such term does not include any third party beneficiary or subcontractor;

(4) "Panel" means the Experimental Small Claims Panel established under section 7 of this Act;

(5) "agency board" means an agency board of contract appeals established under section 8 of this Act.

(6) "Administrator" means the Administrator for Federal Procurement Policy appointed pursuant to P.L. 93-400;

(7) "district court" means a district court of the United States; and

(8) "Court of Claims" means the United States Court of Claims.

SCOPE

SEC. 3. This Act applies to any contract, except a contract by or for a military department which is payable out of non-appropriated funds, entered into by an executive agency for the procurement of—

- (1) property other than real property in being;
- (2) services; or
- (3) construction, alteration, repair, or maintenance of real property.

It shall also apply to any other contract or agreement with the United States, which by its terms is expressly made subject to the provisions of this Act.

CLAIMS AND DISPUTES SETTLEMENT AUTHORITY

SEC. 4. The head of an executive agency is authorized to settle, compromise, pay, or otherwise adjust any claim by or against, or dispute with, a contractor relating to a contract entered into by such executive agency or another executive agency on its behalf, including a claim or dispute initiated after the award of a contract, or based on breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission, but excluding a claim or dispute for penalties or forfeitures prescribed by statute or regulation which another executive agency is specifically authorized to administer, settle, or determine.

AUTHORITY OF THE CONTRACTING OFFICER

SEC. 5. (a) At the time of any contract formation, the executive agency shall inform the contractor of such contractor's right to receive, and such executive agency shall provide, on request, a clear and concise written description of the authority and any limitation thereon of the contracting officer and of any other official who may have authority with respect to any claim or dispute involving that contract.

(b) When a contract claim or dispute between the contractor and an executive agency is not resolved by mutual agreement with the contracting officer, the contracting officer shall promptly issue a decision in writing disposing finally of the claim or dispute and shall mail or otherwise furnish a copy of the decision to the contractor. The written decision shall state the reasons for the decision, and shall inform the contractor of its right of appeal as provided in this Act including notice of a right to an informal administrative conference under section 6 of this Act. The decision of the contracting officer shall be final and conclusive unless the contractor appeals or commences an action as provided in this Act.

(c) A contracting officer shall issue a decision on any submitted claim promptly after he determines that a resolution of the claim by mutual agreement is not possible; but, in any event, he shall issue a decision within thirty days from his receipt of a written notice from the contractor stating the contractor's determination that resolution by mutual agreement is not possible. Any failure by the contracting officer to issue a decision on a contract claim within the period required will, subject to compliance with the provisions of section 6, below, authorize the commencement of the appeal or suit on the claim otherwise provided in this Act to occur only upon the issuance of the decision by the contracting officer. However, in the event an appeal or suit is so commenced in the absence of a prior decision by the contracting officer, the tribunal concerned may, at its option, stay the proceedings to obtain a decision on the claim by the contracting officer.

INFORMAL ADMINISTRATIVE CONFERENCE

SEC. 6. (a) Not later than 30 days from the date of receipt of a contracting officer's decision under section 5(b), a contractor may request an informal conference with an official designated in accordance with subsection (b) to explore the possibility of re-

solving by mutual agreement any claim or dispute between the contractor and the executive agency. If, upon the expiration of 30 days from the date of receipt of a contracting officer's decision under section 5(b), a request for a conference has not been made, the right to a conference shall be deemed to have been waived.

(b) The conferees may consider any matters, written or oral, relevant to the claim, but testimony or evidence shall not be taken. Any documentary materials or oral statements submitted during the conference shall not be evidence in any appeal or suit in court on the claim unless offered anew and admissible under applicable rules of evidence of the board or court. Any offers of settlement or compromise during or resulting from the conference shall be without prejudice and shall not be evidence or referred to in any appeal or suit in court on the claim.

(c) The informal conference will be conducted by representatives selected by the agency head, two of whom will be from a level above the office to which the contracting officer is attached, and if feasible they shall not have participated significantly in any prior consideration of the claim.

(d) Whenever an appeal or suit is initiated pursuant to this Act and the board or court determines that an informal conference requested by the contractor has not been held, the board or court shall stay any further proceedings until the conference is held or waived by the contractor.

EXPERIMENTAL SMALL CLAIMS PANEL OF CONTRACT APPEALS

SEC. 7. (a) The Administrator shall establish in the executive branch of the Government an Experimental Small Claims Panel of Contract Appeals (hereinafter in this Act referred to as the "Panel").

(b) The Panel shall be composed of a Chairman and such additional members, as may be determined by the Administrator, who shall be appointed as provided in section 3105 of title 5, United States Code. The Chairman of the Panel shall establish such regions as he deems necessary and shall assign claims and disputes, by region, to members of the Panel for decision and shall administratively supervise the members of the Panel in the execution of their duties. The Panel, and any of its members, shall sit and act at such times and places as the Chairman may direct. The Panel shall have a seal which shall be judicially noticed.

(c) Each member of the Panel shall have jurisdiction to decide any appeal from a final decision of a contracting officer on a claim or dispute where the amount involved is \$25,000 or less. Each member of the Panel may administer oaths and shall issue a decision in writing, which shall be final, or take other appropriate action on each appeal submitted to him and shall mail or otherwise furnish a copy of the decision to the contractor and to the contracting officer of the executive agency.

(d) The decision of a member of the Panel shall be final and conclusive unless, not later than 12 months from the date of receipt of a copy of the Panel's decision, or final delivery of supplies, or completion of performance of work under the contract, or acceptance where required, whichever is later, the contractor files an action on such claim in a district court of the Court of Claims.

(e) The Chairman of the Panel or his delegate may issue such rules and regulations and orders, not inconsistent with this Act, as may be necessary in the execution of the Panel's functions.

(f) Any executive agency is authorized to provide to the Panel such services as the Chairman requests, on such basis, reimbursable or otherwise, as may be agreed upon between the executive agency and the Chairman.

(g) Pursuant to the authority conferred

by Public Law 93-400 and subject to the procedures set forth in such Public Law the Administrator is authorized and directed to issue such rules and regulations with respect to the establishment and functions of the Panel as may be necessary or desirable and periodically to review the maximum jurisdictional amount of the Panel, and based upon economic indices selected by the Administrator, change the dollar amount of the jurisdictional limitation of the Panel accordingly.

(h) The Administrator shall submit to the Congress, not later than 30 months after the effective date of this Act, a report on the activities and an assessment of the effectiveness of the Panel.

AGENCY BOARD OF CONTRACT APPEALS

SEC. 8. (a) Subject to the prior approval of the Administrator each executive agency head may establish within that agency a board of contract appeals (hereinafter referred to as the "agency board") whenever such executive agency head finds that the volume of procurement by such executive agency justifies the establishment of a full-time agency board of at least 5 members who shall have no other duties. The Administrator may terminate any agency board established under this subsection by giving written notice to the executive agency head 30 days prior to the date of termination. The members of agency boards shall be selected and appointed to serve in the same manner as provided under section 3105 of title 5, United States Code, except that present members of the existing boards of contract appeals or functional equivalents thereof shall be considered qualified for appointment under this section. The chairman and vice chairman of each agency board shall be designated by the executive agency head. The chairman of each agency board shall be paid at a rate not less than the maximum rate for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) An agency board established under this section shall have jurisdiction to decide any appeal from the final decision of a contracting officer—

(1) under a contract made by such executive agency; and

(2) under a contract made by any other executive agency when such executive agency has designated that agency board to decide appeal.

(c) An agency board shall adopt rules and regulations which provide to the fullest extent possible informal, expeditious, and inexpensive resolution of disputes, and each member, or if a board operates in panels, each Panel, shall issue a decision in writing or take other appropriate action on each appeal submitted and shall mail or otherwise furnish a copy of the decision to the contractor and to the contracting officer of the executive agency which is a party to the contract in dispute. The decision of a member, or the majority of a Panel or of a board shall be final and conclusive unless the government or the contractor files an appeal or brings an action with respect to such decision as provided in section 9.

(d) A member of an agency board may administer oaths to witnesses, authorize depositions and discovery proceedings, and require by subpoena the attendance of witnesses, and production of books and papers, for the taking of testimony or evidence by deposition or otherwise. In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a district court, the court, upon application of a member of an agency board, shall have jurisdiction to issue the person an order requiring him to appear before such agency board or a member thereof, to produce evidence or to give testimony, or both. Any failure of any such person to obey the order of the court

may be punished by the court as a contempt thereof.

(e) Pursuant to the authority conferred by Public Law 93-400 and subject to the procedures set forth in such Public Law the Administrator is authorized and directed, as may be necessary or desirable to carry out the provisions of this Act, to issue rules and regulations with respect to—

(1) the establishment and function of the agency boards of contract appeals; and

(2) the policy for referral of specific cases or classes of cases for decision by an agency board other than one established by an executive agency head who is party to any such case.

RIGHTS OF APPEALS

SEC. 9. (a) The contractor may—

(1) not later than 90 days from the date of receipt of a contracting officer's decision under section 5, if the matter in dispute involves no more than \$25,000, appeal the contracting officer's decision to the Panel, except that no action may be instituted under paragraph (3) while an appeal is pending before the Panel;

(2) not later than 90 days from the date of receipt of a contracting officer's decision under section 5 and without regard to the amount in controversy, appeal the contracting officer's decision to an agency board provided no appeal has been made to the Panel; or

(3) not later than 12 months from the date of the contracting officer's decision, or the decision of the Panel, or final delivery of supplies, or performance of the work under the contract, or acceptance where required, whichever is later, institute an action in a district court if such claim is otherwise within the monetary jurisdiction of such court or in the Court of Claims, notwithstanding any contract provision, regulations, or law to the contrary.

(b) (1) If a contractor institutes an action on an adverse panel decision under section 9(a)(3), then the decision of the Panel is not subject to review.

(2) a decision of an agency board may be appealed—

(A) by any party (other than the U.S.) adversely affected thereby, only to the Court of Claims not later than 12 months from the date of receipt of a copy of the agency board's decision; and/or

(B) by the Attorney General who, when he concurs with request for appeal from the head of an executive agency, shall file an appeal to the Court of Claims within 90 days from the date of the agency board's decision.

(3) an action in a district court or in the Court of Claims shall proceed in accordance with the rules of such court and the provisions of this Act.

REVIEW PROCEDURE AND STANDARDS

SEC. 10. (a) Notwithstanding any provision of law or any contract provision, in the event of an appeal by any party adversely affected by an adverse decision of an agency board pursuant to section 9, the decision of the agency board of any question of law or fact shall not be final and conclusive, but a presumption of correctness rebuttable by a preponderance of the evidence received in court as if in a de novo proceeding shall attach to the agency board's findings of fact. The record made before the agency board shall be admissible in evidence and shall constitute the basic record which may be added to, contradicted, or supplemented by leave of the court with any evidence admissible under the rules of evidence of the agency board unless the Federal Rules of Evidence shall be held to be more lenient in which case they shall be applied. The court may remand the case for further action by the agency board or by the executive agency as appropriate, with such direction as the court considers just and proper, or, in its discretion, the court may retain the case and take such additional evi-

dence or action as may be necessary for final and complete disposition of the case.

(b) In any appeal by a contractor from a decision of an agency board of contract appeals pursuant to section 9, the court may render a preliminary opinion or judgment and remand the case for further action by the board of contract appeals or the executive agency as appropriate, with such direction as the court considers just and proper, or, in its discretion and in lieu of remand it may retain the case and take such additional evidence or action as may be necessary for final and complete disposition of the case.

(c) In any suit filed by a contractor under this section, the court shall have jurisdiction over any setoff, counterclaim or other claims or demand whatever by the United States.

(d) Except as otherwise provided in this Act, and notwithstanding any statute or other rule of law, or any contract provision, every claim founded upon the same express or implied contract with the United States, shall constitute a separate cause of action for purposes of any suit in a court of competent jurisdiction, and such court may, in its discretion, consolidate separate claims for purposes of decision or judgment, or delay acting on one claim pending action on another claim.

(e) Notwithstanding the provisions of sections 1404 and 1407 of title 28, United States Code, if two or more suits arising from one contract are filed in different district courts, for the convenience of parties and witnesses, in the interest of justice, the district court wherein suit was first filed may order the consolidation of such suit in that court or transfer any such suit to any district or division where it might have been brought. If two or more suits arising from one contract are filed in the Court of Claims and one or more district courts, for the convenience of parties and witnesses, in the interest of justice, the Court of Claims may order the consolidation of such suits in that court or transfer any suits among the district courts involved.

(f) In any suit filed pursuant to this Act involving two or more claims, counterclaims, cross-claims, or third-party claims, and where a portion of one such claim can be segmented for purposes of decision or judgment, and in any such suit where multiple parties are involved, the court, whenever such action is appropriate, may enter a partial final judgment as to one or more but fewer than all of the claims, portions thereof, or parties.

INTEREST

SEC. 11. Interest shall accrue to amounts determined finally and conclusively to be due and owing on any contract out of which a dispute or claim has arisen and has been reviewed under this Act at a rate determined by the Secretary of Treasury, taking into consideration current private commercial rates of interest for new loans maturing in approximately five years. Interest shall accrue from the date of filing an appeal with an agency board or Panel or the commencement of an action, in a district court or the Court of Claims, whichever is first. Interest shall be paid as of the date the amount becomes due on the amount finally determined to be payable to a contractor under this Act.

PAYMENTS

SEC. 12. Any judgments against the United States shall be promptly paid in accordance with the provisions of chapter 13 of the Supplemental Appropriation Act, 1957, as amended. These include any monetary awards stemming from resolution of a contract dispute made by an agency board of contract appeals, the Panel, or a district court or the Court of Claims.

Payments made pursuant to this section shall be reimbursed to the fund within the

next fiscal year by the agency under whose auspices the contract was made and the pursuant claim arose. The reimbursement will be made by the agency out of available funds or by obtaining additional appropriations for such purposes.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of section 8 of this Act for a period of three years from the date of enactment of this Act.

REPEALS AND AMENDMENTS

SEC. 14. (a) Section 1346(a)(2) of title 28, United States Code, is amended by striking out "not exceeding \$10,000 in amount," and inserting in lieu thereof "not exceeding \$100,000 in amount in contract cases or \$10,000 in amount in all other cases."

(b) Section 2401(a) of title 28, United States Code, is amended by striking out "Every" and inserting in lieu thereof "Except as provided by the Contract Disputes Act, every".

(c) Section 2517(b) of title 28, United States Code, is amended by inserting immediately before the period "unless the judgment is designated a partial judgment, in which event only the matters described therein shall be discharged".

(d) The Act of May 11, 1954 (68 Stat. 81; 41 U.S.C. 321, 322), is repealed.

(e) Chapter 13 of the Supplemental Appropriation Act, 1957 (70 Stat. 678; 31 U.S.C. 724a), as amended, is further amended by

(1) striking out "not in excess of \$100,000 or its equivalent in foreign currencies at the time of payment in any one case"; and

(2) adding after "Title 28" the first time it appears there, the following "decisions of boards of contract appeals and the Experimental Small Claims Panel".

SEVERABILITY CLAUSE

SEC. 15. If any provisions of this Act, or the application of such provision to any persons or circumstances, is held invalid, the remainder of this Act, or the application of such provision to person or circumstances other than those to which it is held invalid, shall not be affected thereby.

EFFECTIVE DATE

SEC. 16. This Act shall apply to contracts entered into after the date of the enactment of this Act. Notwithstanding any provision in a contract made before the effective date of this Act, the contractor may elect to proceed under this Act with respect to any claim pending then or initiated thereafter.

SECTION-BY-SECTION ANALYSIS OF "THE CONTRACT DISPUTES ACT"

The purpose of this act is to provide for the resolution of claims and disputes relating to government contracts.

Section 1 states the title—"Contract Disputes Act".

DEFINITIONS

Section 2 defines terms used throughout the Act.

SCOPE

Section 3 applies to contracts entered into by an executive agency for the procurement of property, services or construction, alteration, repair, or maintenance of real property. The Act applies to contracts by or for a military department only when payable out of appropriated funds. It also applies to any contract with the United States which is made subject to the provisions of this Act.

CLAIMS AND DISPUTES SETTLEMENT AUTHORITY

Section 4 embodies recommendation #5 of the Commission on Government Procurement to enable each executive agency to decide, settle and make payment on all disputes and claims arising out of the contract entered into between the agency and a contractor apart from any boards of appeal. This would

include those disputes arising out of claims under the contract, as well as those of breach of contract.

At the present time, the lack of an "all disputes" clause leads to fragmentation of claims and remedies between those under the contract and those in breach. If a contracting officer denies a claim there must be a determination as to which course of action to take. It is often difficult to differentiate between claims under the contract and breach claims. If the contractor decides to press his claim as breach of contract in a court of law and this appeal is denied, he has often lost recourse to an administrative remedy because a 30-day appeal time has been exhausted while the claim was being decided in court. He has no further recourse and his claim must then be forfeited.

This consolidated disputes authority for the agencies should strengthen and simplify the contractors' business relationship with the Government and the Government's ability to deal directly with contractors. It is more efficient for both parties if this artificial division of remedies can be simplified by statute. This increased agency jurisdiction is balanced by the provision of optional direct access to judicial forums (Section 9(a)(3)). Otherwise the contractor's opportunity for complete justice would be severely curtailed.

AUTHORITY OF THE CONTRACTING OFFICER

Section 5(a) embodies the Procurement Commission's recommendation #1 to enlarge the responsibilities of the contracting officer in resolving disputes and set time limits on his decisions. The Commission felt that this recommendation is necessary in order to "avoid misunderstandings, promote confidence in the procurement process and improve the climate for the negotiated settlement of disputes..." A lack of feeling of good faith between contractors and the contracting officer, who is the initial intermediary with the Government, and lack of understanding of the contracting officer's authority (and other operating authorities in the agency) cannot help but undermine at the very beginning what will happen should a dispute eventually arise.

Section 5(b) outlines the procedures to be taken by the contracting officer when a claim by a contractor or the Government is not resolved by mutual agreement, calling for a written decision and notification.

Section 5(c) sets a time limit of 30 days in which the contracting officer must take action and issue a decision. It offers an option to the contractor to commence action on a contract claim absent a decision by a contracting officer only once the time limit has been exceeded. The proceeding started in this manner may be stayed at the option of the tribunal involved in order to obtain a decision by the contracting officer on the claim.

INFORMAL ADMINISTRATIVE CONFERENCE

Section 6 deals with the Procurement Commission recommendation #2 to provide an informal administrative conference to explore the possibility of settlement of the dispute between the contractor and the agency. Under this provision the contractor may request an informal conference on a decision by the Contracting Officer for the purpose of satisfactorily disposing of the claim before it goes on to litigation.

The Commission felt that if contracting officers knew their decisions could be informally reviewed it would give them additional confidence in making decisions that they felt to be controversial or unpopular with their superiors. There is the added benefit in giving the agency the opportunity to review a decision that it may basically not agree with.

Emphasis is placed on the possibility of settlement rather than merely reviewing the decision of the contracting officer. This informal conference must be held or waived

by the contractor before any further proceedings take place. Many agencies now provide for formal and informal review of a contracting officer's findings prior to board or court proceedings. However, as of now, the contractor does not normally participate.

EXPERIMENTAL SMALL CLAIMS PANEL OF CONTRACT APPEALS

Section 7 deals with Commission recommendation #4. It establishes an Experimental Small Claims Panel of Contract Appeals to resolve disputes involving \$25,000 or less.

The Administrator of the Office of Federal Procurement Policy is given authority to establish in the executive branch of the government an Experimental Small Claims Panel of Contract Appeals wherever the Administrator feels the best potential exists for demonstrating the need and effectiveness of such a panel.

After a 30 month period the Administrator of Federal Procurement Policy shall report to the Congress on the effectiveness of this experimental panel.

In this, one of the most innovative of the Commission's recommendations, the elements of economy, speed, informality and geographic availability have been brought together. Because these claims will not amount to large judgments and because of the informality, which will preclude important decisions of law being made, the decisions of this board will be final to the Government but not to the contractor. Upon an adverse decision to a contractor, he may elect to go to court, where his case will be heard de novo.

Presently many smaller claims are not being appealed. These cases are too small for the contractor to expend money on travel, extensive procedures, or expensive counsel, but certainly create dissent and frustration. A forum such as the Experimental Small Claims Panel will bring these disputes out and should prove to be high in morale effectiveness.

In order to provide responsible protection to taxpayer, who bears the brunt of the formation of any new agency, no matter how necessary, a testing period is prescribed in which this experimental panel can be observed and its effectiveness ascertained.

AGENCY BOARD CONTRACT APPEALS

Section 8 implements parts of recommendation 3 of the Commission. It covers the establishment of full-time boards with members chosen in the same manner as hearing examiners under the Administrative Procedures Act. This would require that the Civil Service Commission prepare a list of qualified people from which an agency would make a selection. It is essential that the judicial agency would make a selection. It is essential that the judicial independence of the boards be beyond question.

Subject to the Administrator's approval, an agency head may establish a board in his agency when he determines that the volume of procurement justifies such a board. The rules and regulations adopted by the boards would be required to provide the most informal, expeditious, and inexpensive resolution of disputes equipped with increased powers of discovery and due process.

Subsection (d) implements recommendation No. 3 and would provide the Boards with increased subpoena, discovery and other judicial-type powers.

RIGHTS OF APPEAL

Section 9 deals with the possible avenues of action open to all parties to a dispute, both the government and contractor, specifies the time limits involved and seeks to implement recommendations No. 6, 7 and 8 of the Procurement Commission.

These recommendations point out the need for direct access to the Court of Claims and district courts, judicial review of adverse

agency boards of contract appeals decisions and the establishment of uniform and relatively short time periods within which parties may seek judicial review of adverse decisions of administrative forums.

Beginning with an adverse Contracting Officer's decision, the contractor has the option of (1) pursuing his claim in an experimental small claims panel, if the claim is under \$25,000, (2) placing the claim with the agency board of contract appeals, or (3) going directly to court. If his claim is under \$100,000 the contractor may go to a district court of the Court of Claims; if the claim is over this amount the Court of Claims will retain jurisdiction of the dispute.

One of the concerns raised over the options opened to the contractor is that it will result in "forum shopping." However, the bill reflects the contrary judgment that there is nothing more conducive to poor performance and arbitrary action than making one body an exclusive forum, be that forum administrative or judicial. If the Boards perform their functions as they should, a very small number of contractors would go directly to Court. If the Boards are not functioning in a satisfactory manner, the contractor should have the right to go to Court.

Such direct access has been called the key-stone of the entire reform system recommended by the Commission. It will provide the flexibility that the Commission saw as essential to a fair and workable system. Direct access would permit questions that ultimately must go to court because of their size, importance or nature to go there directly and without delay. It would further assure contractors of their fundamental rights to a full judicial trial.

This recommendation restores to a contractor the right to a day in court, a right which has been eroded by the creation of administrative regulation and subsequent court interpretations of such regulations. Thus, intent of the Tucker Act, which limited the doctrine of sovereign immunity, is reaffirmed.

At present, a trial on the merits is afforded to all other plaintiffs filing actions where sovereign immunity has been relinquished and was in this field until the enactment of the Wunderlich Act in 1954 (repealed by this Act).

Time limits are established in this section which give the contractor twelve months to appeal an adverse decision as opposed to the six years presently allowed. This 6-year time period often results in the government being called on to present a defense many years after personnel with knowledge about the case are available and documents or records important to the case have been destroyed.

The government is given 90 days in which to appeal an adverse decision. This stricter time limit has been placed on the government because until a final decision is made in his favor, a contractor cannot get paid for the work in dispute. Contractors must, under government contract requirements, continue work pending a final decision of the claim.

The Attorney General may appeal an adverse decision for an agency when he concurs with the request for appeal from the head of an executive agency.

REVIEW PROCEDURE AND STANDARDS

Section 10 covers recommendation #9 of the Commission. This section provides that an agency board decision will be heard by the Court as not final and conclusive but with a rebuttable presumption of correctness attached to the agency board findings of fact. That presumption may be overcome by a preponderance of the evidence received in court. The board record would be admissible in evidence and could be supplemented by leave of the court. The court, in its discretion, could finally decide all aspects

of the case or remand parts of it for disposition by the agency.

This section will serve to relieve the agency Board of creating the record which they have been compelled to create over the past few years because of increasingly restrictive court decisions. *United States v. Utah Construction & Mining Company*, . . . , 384 U.S. 394 (1966); *United States v. Anthony Grace & Sons, Inc.*, 384 U.S. 424 (1966); *United States v. Carlo Bianchi & Co.*, 373 U.S. 709 (1962).

Section 10 (d) would make each claim a separate cause of action to avoid the defense of splitting the cause of actions when the contractor proceeds to the board or the Court on one claim before all his claims have matured under one contract. The court may hear multiple claims, consolidating them or denying decision on one claim pending action on another.

Section 10 (e) also related to multiple claims and provides that a court may grant partial judgments in cases where no good reason exists for delaying action on one part of a case merely because other parts of the same case are still pending.

INTEREST

Section 11 implements recommendation #11 and would provide for payment of interest from the date of filing the appeal of suit. The rate of interest will be determined by taking into consideration current private commercial rates of interest for new loans maturing in approximately five years.

PAYMENTS

Section 12 is in response to recommendation #12 of the Commission to make agencies more accountable for payment of court judgments. A revolving fund is created which would pay the judgments brought against agencies by the Panel, appeals board or court. Agencies would reimburse this fund within one fiscal year out of current appropriations or by obtaining specific appropriations for this purpose. This revolving fund approach provides the accountability that the Commission believed was necessary while at the same time not disrupting any ongoing agency programs for payment of judgments.

APPROPRIATIONS

Section 13 provides a three year authorization for appropriations for the Experimental Small Claims Panel of Contract Appeals after which time further legislation would be necessary to authorize its continuance.

REPEALS AND AMENDMENTS

Section 14 implements recommendation #10 of the Commission by increasing the jurisdiction of the district courts from \$10,000 to \$100,000 and repeals and amends other statutes consistent with the body of this Act.

U.S. COURT OF CLAIMS,

Washington, D.C., November 25, 1976.

Mr. HUGH E. WITT,
Administrator for Federal Procurement Policy,
Executive Office of the President,
Office of Management and Budget,
Washington, D.C.

DEAR MR. WITT: This letter is in response to your request for my comments on 12 Current Proposals which you are considering regarding Recommendations G-1 to G-12 of the Commission on Government Procurement.

Current Proposals 1, 2, and 4 relate to matters of which I have so little knowledge that I refrain from comment. However, as a result of my 30 years' experience in the Court of Claims, I have acquired some knowledge and information with respect to the remaining proposals.

I do not wholeheartedly favor each of the 12 recommendations of the Commission, but I am reminded of the strong Congressional interest in the creation of the Commission on Government Procurement and

the fact that its report represents the first comprehensive report in the history of Government procurement. Its membership included two Senators, two Members of the House, the Comptroller General of the United States, the Administrator of the General Services Administration, an Assistant Secretary of the Navy, and eminent representatives from private business. Able people were recruited from Government procurement agencies to assist the Commission in its work, and its task forces included individuals having recognized experience and ability in the subject matter considered by them. The four-volume report of the Commission is the product of 2 years of intensive study by the Commission and its staff.

As a result, it is my opinion that, taken as a whole, the Commission's recommendations provide the fairest and best-balanced approach I have seen for correcting the inequities and inefficiencies in the existing system for the resolution of Government contract disputes.

As you know, the Commission's recommendations are substantially incorporated in H.R. 6085, which was introduced in the House by Mr. Rodino on April 16, 1975. I believe that the Rodino bill provides a much better method for effectuating the broad objectives of the Commission than the Current Proposals, because the latter reject or greatly modify several Commission proposals which I regard as essential elements of the whole remedial package. On that account, it is also my opinion that the current proposals will probably increase the overall cost of Government procurement and will do little to remedy the serious deficiencies in the existing system for resolving Government contract disputes. Finally, it seems to me that it would be inappropriate at this time for the Executive Branch to take action which is contrary, in important respects, to the bill introduced by the Chairman of the House Committee on the Judiciary.

Sincerely yours,

WILSON COWEN,
Chief Judge.

U.S. COURT OF CLAIMS,

Washington, D.C., October 16, 1975.

Mr. CHARLES GOODWIN,
Assistant Administrator for Procurement Law,
Office of Management and Budget,
Executive Office of the President, Washington, D.C.

DEAR CHARLIE: You have asked me to comment on your draft of a proposed policy position with respect to recommendations G-1 to G-12 of the Commission on Government Procurement. These recommendations were developed by the Commission after 3 years of intensive, nationwide study and the expenditure of \$7 million appropriated by Congress for this purpose. They were developed in the course of a completely nonpartisan investigation. I support the Commission's recommendations, for the reasons set forth in the Commission's report, Chapters 1 and 2 of Volume 4. I enclose a reprint of a short article published in 33 Fed. B. J. 160 (1974), which elaborates on that conclusion.

These recommendations are, as the Commission points out, designed to alleviate the unfairness, frustration and disillusionment which presently characterizes an important part of the procurement system. As the Commission concludes:

If the concerns about inequities and inefficiencies in disputes-resolving procedures cause potential contractors to avoid Government work, the procurement process will suffer.

That concern is currently echoed by top procurement management, as evidenced by a number of recent press reports.

I assume that you have solicited my views on your draft proposal because I was Chairman of the Consolidated Armed Services

Board of Contract Appeals from its inception in 1962 until my appointment in 1969 as a Trial Judge of the U.S. Court of Claims. That experience has provided me with a unique opportunity to observe the system, and it is precisely from that point of view that I concur wholeheartedly in the Commission Report, both with respect to recognizing the grave problems it describes, and favoring solutions which it recommends.

Except with respect to a few, minor "housekeeping" recommendations, your draft proposal of a policy position is diametrically opposed to the central basic recommendations of the Commission on Government Procurement. Therefore, I think it is wrong and not in the best interests of the United States. Your draft is designed to continue and, in fact, aggravate the very conditions of unfairness, frustration and disillusionment which the Commission described. They noted that the present system permits employees of one party to a Government contract to be the final judge of their own mistakes. Your proposal would continue that condition and also make those representatives of one party final judge of their own breaches.

The policy which you propose is astonishing in light of the fact that the Commission, which reached a completely contrary conclusion, was comprised of appointees of the President, Vice President and Speaker of the House. Staff people were also recruited from Government procurement agencies. The suggestions you now advocate were thoroughly considered by the Commission and staff and rejected as unfair, by the Commission. It was essentially a partisan position taken by those civil servants below the management and policymaking level who are engaged in and have a vested interest in the present unfair system, and want to preserve it. Your proposal seeks to revive the same tired and worn out arguments that were made by them, and rejected by the Commission.

I believe that your approach should be the same as that of the Commission, essentially nonpartisan, and with the paramount interest of the Nation as a whole, before you. As I stated recently at the Annual Meeting of the American Bar Association, the most serious damage in recent years has occurred in the disputes-resolving procedures within the agencies, developed by them as part of their procurement mission. Although they are already freighted down by overjudicialization, overformalization and overregulation, so that they can no longer efficiently perform their important disputes-settlement function, you would recommend further judicialization. At the same time, the Government contractor would continue to be singled out as the only class of litigant not entitled to a meaningful judicial remedy. This is, in effect, a reimposition of sovereign immunity as to citizens contracting with their Government. That doctrine was struck down over 100 years ago.

The opportunity to furnish you my comments is appreciated. I would urge you to read in its entirety the aforementioned statement at the recent ABA Annual Meeting, together with the other statements published on that occasion. Also, be aware that the entire membership of that Section of Public Contract Law has twice voted 2 to 1 against your present suggestions, as have interested industry groups.

Very truly yours,

LOUIS SPECTOR,
Trial Judge.

[From the Washington Post, Apr. 11, 1976]

RICKOVER URGES TAKEOVER OF SHIPYARDS
BILLING U.S.

(By George C. Wilson)

Adm. H. G. Rickover has recommended that the government take over privately owned shipyards slated to get special help

from the Pentagon, Defense Department sources said yesterday.

Rickover, in a memo dated April 7, said the government should acquire the private yards "as a condition" for settling in a hurry the claims they have made against the Navy for past work.

Rickover has long assailed private management of shipyards, which he has called inefficient. In the memo he argued that shipbuilders should be held to the conditions of their contracts except under special circumstances.

The shipyard claims total \$1.5 billion, mostly on nuclear-powered ships built in the Electric Boat Co. yard in Groton, Conn., and the Newport News (Va.) Shipbuilding and Drydock Co. Another yard involved is the Ingalls Division of Litton Industries in Pascagoula, Miss.

The Rickover proposal drew immediate fire yesterday from Gordon W. Rule, the senior Navy/civilian executive for overseeing shipbuilding contracts. Said Rule when asked about the Rickover proposal:

"The United States isn't ready to change from a capitalistic, profit motive system to nationalization."

"To me," Rule said, the Rickover takeover suggestion "confirms the complaints of Electric Boat and Newport News that Adm. Rickover is trying to run their plants. I have the highest regard and affection for Uncle Rick, but he should stick to his specialty—nuclear submarines—and let the contracting specialists handle the procurement."

Rickover could not be reached for comment yesterday. An aide said he was out of town.

Rickover mentioned his idea last week to William P. Clements Jr., deputy secretary of defense, as they discussed shipbuilding problems that threaten to obstruct the Navy's plan to build a new fleet.

Defense officials said yesterday that taking over private shipyards is "absolutely the opposite direction" that Pentagon executives are trying to go. The effort instead is to patch up differences between the shipyards and the government, these sources said in predicting the Rickover proposal would be rejected.

Clements has notified Congress that he intends to resort to Public Law 804 to settle \$1.5 billion in claims the yards have filed against the Navy. The law provides a shortcut for settling such claims. Congress has 60 days to disapprove of the procedure once the Pentagon has signified formally its intention to use it.

Sen. William Proxmire (D-Wis.) already has assailed the Clements plan to settle the claim as a "handout" and "bailout" for shipyards that failed to deliver on time and at the agreed upon price.

Both Proxmire and Rep. Lee Aspin (D-Wis.) have pledged to introduce disapproval resolutions in the Senate and House to stop the Pentagon from using Public Law 804.

But Rule, who often has been an ally of Proxmire in military contract disputes, said yesterday that Clements is right in using Public Law 804 because the Navy contracts for ships and proved unfair to the shipbuilders. Their claim should be settled, he said, and fair contracts must be written in the future to get the new Navy built.

Electric Boat builds nuclear-powered submarines and Newport News constructs nuclear-powered aircraft carriers and other nuclear warships. The Ingalls yard is turning out a line of destroyers at the present time.

Navy officials confirmed last week that private yards had threatened to stop bidding on Navy work unless their claims were paid and harassment of their executives stopped. Rickover, who is in charge of Navy nuclear propulsion, long has been at odds with shipyard executives as they argue who is responsible for cost overruns.

Clements, in an April 2 letter sent to Chairman John Stennis (D-Miss.) of the Senate Armed Services Committee, said the

"immediate evidence" of the "marginal" Navy management of shipbuilding programs, "is the present \$1.7 billion backlog of claims" filed by the yards. That claim figure was lowered to \$1.5 billion last week as the Navy reached a settlement on one of Electric Boat's claims.

Congress is expected to hold new hearings on Navy management of the shipbuilding contracts before voting on whether the Pentagon should be allowed to use Public Law 804 to pay off back claims.

William I. Greener, assistant secretary of defense for public affairs, said yesterday that Clements and Rickover had discussed shipbuilding problems last week and were not at odds. Greener said he was not familiar with the Rickover proposal to take title to private shipyards in exchange for settling their claims against the Navy.

Mr. CHILES. Mr. President, I ask unanimous consent that the bill I introduce today, S. 3512, be jointly referred to the Committee on Government Operations and the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS SUBMITTED FOR PRINTING

ANTITRUST IMPROVEMENTS ACT OF 1976—H.R. 8532

AMENDMENT NO. 1732

(Ordered to be printed and to lie on the table.)

Mr. HRUSKA submitted an amendment intended to be proposed by him to Amendment No. 1701 proposed to the bill (H.R. 8532) to amend the Clayton Act to permit State attorneys general to bring certain antitrust actions, and for other purposes.

AMENDMENTS NOS. 1733 THROUGH 1736

(Ordered to be printed and to lie on the table.)

Mr. PHILIP A. HART (for himself and Mr. HUGH SCOTT) submitted four amendments intended to be proposed by them jointly to Amendment No. 1701, supra.

AMENDMENTS NOS. 1737 THROUGH 1742

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted six amendments intended to be proposed by him to Amendment No. 1701, supra.

AMENDMENT NO. 1743

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to Amendment No. 1701, supra.

AMENDMENT NO. 1744

(Ordered to be printed and to lie on the table.)

Mr. MORGAN submitted an amendment intended to be proposed by him to Amendment No. 1701, supra.

AMENDMENT NO. 1745

(Ordered to be printed and to lie on the table.)

Mr. JAVITS (for himself, Mr. HRUSKA, and Mr. MATHIAS) submitted an amendment intended to be proposed by him to Amendment No. 1701, supra.

AMENDMENT NO. 1746

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, I am offering a new title VI to be added to the amendment in the nature of a substitute (No. 1701) proposed by Senators PHILIP HART and HUGH SCOTT to H.R. 8532. This title comprises the substantive text of S. 2028, which was approved by a vote of 7 to 0 over 2 months ago by the Subcommittee on Antitrust and Monopoly.

I offered this same amendment to S. 1284, the Hart-Scott antitrust improvements bill, in the full Judiciary Committee, and then withdrew that amendment upon agreement that my bill would be separately considered at the next executive session of the committee. Two subsequent sessions have come and gone, and while I proposed consideration and debate on my bill, certain members of the committee were able to defer our deliberations on the bill. I believe that the full Senate should have the opportunity to vote on this bill, and I am thus proposing that it be added as an amendment to the legislation before us.

My amendment would encourage and facilitate, wherever possible, the use of procompetitive policies by Federal agencies. It does this by applying a uniform antitrust standard to agency actions that significantly affect competition. Support for the objectives of the bill has been voiced by the Department of Justice, the Department of Transportation, the Council on Wage and Price Stability, the Retail Merchants Association, the Consumer Federation of America, and the National Association of Manufacturers.

The bill from which this amendment was taken was the subject of 4 days of hearings and has undergone substantial refinement since its introduction. Let me briefly summarize the amendment's provisions.

Section 601 contains three tests an agency must apply to actions whose effect "may be substantially to lessen competition, to tend to create a monopoly, or create or maintain a situation involving a significant burden on competition." The tests compel an agency to articulate clearly the statutory purpose it is seeking to further by its particular action. The agency must then determine both the anticompetitive effects of the particular action and the benefits to the general public from that action.

Although it is not expected that an agency will be able to quantify these effects with precision, it is expected that these required findings will sharpen an agency's economic analysis and force it to do some self-analysis. The benefits to the public must clearly outweigh the anticompetitive effects. The third test requires an agency to find whether or not the objectives of the action, which was articulated in finding one, can be substantially accomplished by an alternative means having lesser anticompetitive effects. All three of the tests must be met in order for the action to be taken.

The antitrust standard in this bill is neither complicated nor novel. The Supreme Court, in the case of *Silver v. New York Stock Exch.*, 373 U.S. 341 (1973), has already taken the view that the Securities and Exchange Commission must justify an anticompetitive result by showing that there are no less anticompetitive alternatives available. Sim-

ilarly, the Court has, in *Gulf States Util. Co., v. FPC*, 411 U.S. 747 (1973), held the Federal Power Commission obliged to consider antitrust values in determining whether action proposed to be taken by a regulated utility was "compatible with the public interest." Thus, while courts often—if not inevitably—impose antitrust standards on agency decision-making under the present "public interest" tests, their approaches are neither uniform nor predictable. This amendment would rectify the situation.

And it would do so by borrowing not only from the kind of criteria imposed by the judiciary, but also from statutory precedents. The standard embodied in section 601 of the amendment has been demonstrated to be both workable and useful in the areas of bank mergers and nuclear power plant licensing. In both areas, Federal regulatory agencies—the Federal Reserve Board and the Nuclear Regulatory Agency—apply statutory antitrust standards with the advice and participation of the Department of Justice. Witnesses from both agencies, appearing before the Antitrust Subcommittee, attested to the utility of this procedure.

Section 601 also provides that these three antitrust findings should be included in any opinion accompanying the action and also should be included in the statement of basis and purpose in the case of a rule or regulation.

To facilitate the rendition of timely antitrust advice and to insure rational intervention policies section 602 requires the Interstate Commerce Commission, Federal Power Commission, Federal Communications Commission, Securities and Exchange Commission, Civil Aeronautics Board, Federal Maritime Commission, and the Nuclear Regulatory Commission to devise procedures whereby the Attorney General will receive notice of important agency actions which have a significant effect on competition. In order to assure effective and meaningful participation, both the Attorney General and the Federal Trade Commission are given "party of right" status, are not precluded from using their statutory powers, and in certain situations the Attorney General can convene a hearing.

So that no new delays will be created by this Act, section 603 provides that judicial review of agency actions subject to the Act will be—with one exception—identical to what the Administrative Procedure Act already requires. The one exception is that once the court action has been filed, the agency has the burden of showing that substantial evidence was developed for the findings required by section 601. A limited right for the award of legal fees is also provided.

So that procompetitive policies are fully implemented wherever feasible, section 604 directs Federal agencies to integrate antitrust considerations into all phases of the agency's operations and are required to review their statutory authority, rules, and regulations to ascertain whether changes are needed to more effectively achieve the goals of the amendment. An in-depth analysis of the

efficacy of these actions will be provided by the FTC.

Finally, provisions have been placed in section 605 to make it completely clear that the title is in addition to and not in lieu of the antitrust laws. The last paragraph of section 7 of the Clayton Act would be repealed by a provision in this section, and although this repeal would not add or subtract from exemptive authority certain agencies now possess, it does reinforce the purpose of the title, which is that agencies should subject actions affecting competition to the tests of section 601.

I would stress that this amendment is entirely complementary to and consistent with the five titles contained in the Hart-Scott amendment. While those titles go to private and Federal enforcement of the antitrust laws in the courts, my amendment strengthens the consideration of antitrust principles in Federal agencies. It will thus round out the legislation as a truly unified and significant "antitrust improvements" measure, to the benefit of both consumers and businesses.

AMENDMENTS NOS. 1747 AND 1748

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS. Mr. President, although I generally support the Hart-Scott substitute to H.R. 8532, I believe that one amendment to the premerger injunction provisions of title V is in order.

I fully understand the interest in insuring that the Government have appropriate tools to combat anticompetitive activities. At the same time, however, I believe that the injunction provisions of the bill tilts the balance unnecessarily against companies seeking to consummate what may well be a legal merger. My amendment strikes what I believe is an appropriate balance between the need to detect and prevent illegal mergers and acquisitions prior to consummation and the interest in preventing the Government from unduly burdening legitimate business activities.

I am concerned about the provisions of the Hart-Scott substitute which permits: First, a 60-day temporary restraining order with an unlimited extension; and two, which places upon the defendant the burden of proof with respect to the preliminary injunction.

As presently drafted, the bill now under consideration allows for a Federal judge to issue a temporary restraining order halting the consummation of a proposed merger or acquisition for a period of 60 days, unless a judge finds good cause exists for extending the order for an indefinite period. Thus, under the present Hart-Scott substitute, the 60-day period is not the outer limit of the duration of the temporary restraining order and the defendant would be subjected to the possibility of an open-ended good cause extension of the order.

The amendment I now offer is aimed at eliminating the uncertainty facing those seeking to consummate mergers and acquisitions by shortening the time period for the temporary restraining order. Specifically, my amendment pro-

vides a 30-day period for the TRO, with an extension for an additional 30-day period if good cause is shown. Thereafter, the TRO could not be extended beyond the 60-day limit, unless the restrained party consents to such extension. The amendment would retain the expediting provisions of subsection (D).

I am convinced that this modification of title V, when coupled with the premerger notification provisions of this bill, will provide the Federal Government with sufficient means to deter anticompetitive mergers and acquisitions—which is a necessary and appropriate addition to the Clayton Act.

My proposal will also eliminate the provision in the Hart-Scott substitute which places the burden of proof regarding the issuance of a preliminary injunction upon the defendant. Specifically, this part of the amendment would delete the provisions in the bill which require a defendant to show that the government does not have a reasonable probability prevailing on the merits of the bill, or that they will be irreparably injured by the entry of the preliminary injunction. I do not share the view expressed in the Judiciary Committee report on S. 1284 that the shifting of the burden of proof is necessary to remedy existing law—which in my view will be adequate to protect the interest of the Government and the public at large now that a 30-day premerger notification provision is being enacted.

I have been advised that this amendment is acceptable to the managers of the bill; and it is my hope that it will be accepted by my colleagues.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 noon tomorrow.

I urge the two cloakrooms to announce to their respective clientele that Senators will meet in the Chamber tomorrow morning at 10 o'clock informally. There will be no session at that time. Senators will meet in the Chamber informally at 10 o'clock before going in a body to the Rotunda to witness the special ceremonies that will occur there in connection with the Magna Carta. The cloakrooms will so alert Senators to be on hand at 10 o'clock tomorrow morning in this Chamber for an informal gathering before proceeding to the Rotunda.

I was asked by the distinguished majority leader to make that announcement.

Mr. President, the Senate will convene at 12 o'clock noon tomorrow and after 1 hour the clerk will call the roll to establish the presence of a quorum. That will be automatic.

Upon the establishment of a quorum, the Senate will proceed to vote by roll-call on the motion to invoke cloture on the antitrust bill. If cloture is invoked, then that bill will be the exclusive business before the Senate until completed. If cloture is not invoked, then the Senate will presumably return to the consideration of the unfinished business, the Foreign Military Sales Act.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon tomorrow.

The motion was agreed to; and at 5:50 p.m., the Senate adjourned until tomorrow, Thursday, June 3, 1976, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 2, 1976:

IN THE JUDICIARY

Mary Anne Richey, of Arizona, to be U.S. district judge for the district of Arizona vice James A. Walsh, retiring.

IN THE JUDICIARY

William A. Ingram, of California, to be U.S. district judge for the northern district of California vice Alfonso J. Zirpoli, retired.

IN THE JUDICIARY

William W. Schwarzer, of California, to be U.S. district judge for the northern district of California vice Albert C. Wollenberg, retired.

NATIONAL BUREAU OF STANDARDS

Ernest Ambler, of Maryland, to be Director of the National Bureau of Standards, vice Richard W. Roberts, resigned.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

John W. Snow, of the District of Columbia, to be Administrator of the National Highway Traffic Safety Administration, vice James B. Gregory, resigned.

FEDERAL ENERGY ADMINISTRATION

Samuel J. Tuthill, of Virginia, to be an Assistant Administrator of the Federal Energy Administration, vice Roger West Sant, resigned.

NATIONAL CENTER FOR PRODUCTIVITY AND QUALITY OF WORKING LIFE

The following-named persons to be members of the board of directors of the National Center for Productivity and Quality of Working Life for a term coterminous with the term of the President (new positions):

Donald C. Burnham, of Pennsylvania.
R. Heath Larry, of Pennsylvania.
Edward E. Carlson, of Illinois.
I. W. Abel, of Pennsylvania.
C. L. Dennis, of Illinois.
Frank E. Fitzsimmons, of Maryland.
James E. Holshouser, Jr., of North Carolina.
Daniel J. Evans, of Washington.
L. William Seidman, of Michigan.
Andrew E. Gibson, of New Jersey.

NATIONAL CREDIT UNION ADMINISTRATION

C. Austin Montgomery, of Illinois, to be Administrator of the National Credit Union Administration, vice Herman Nickerson, Jr., resigned.

NATIONAL SCIENCE FOUNDATION

Harvey Allan Averch, of Virginia, to be an Assistant Director of the National Science Foundation, vice Lowell J. Paige, resigned.

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. Richard L. Frymire, Jr., **xxx-xx-xxxx**.
xxx-xx-xxxx, G, Air National Guard of the United States.

To be brigadier general

Col. Harry A. Serra, **xxx-xx-xxxx**, FG, Air National Guard of the United States.

IN THE ARMY

The following officers for appointment to the grade of major general, Adjutant General Corps, Army National Guard of the United States, under the provisions of title 10, United States Code, sections 593(a) and 8392:

Brig. Gen. (USAFR-Ret) Vito Joseph Castellano, **xxx-xx-xxxx**.

Brig. Gen. (ARNGUS) John Coffey, Jr., **xxx-xx-xxxx**.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a), title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Norman C. Ault, Jr., **xxx-xx-xxxx**.
Maj. Otis W. Bird, Jr., **xxx-xx-xxxx**.
Maj. Charles L. Blount, **xxx-xx-xxxx**.
Maj. Alvin H. Brody, **xxx-xx-xxxx**.
Maj. Robert C. Clark, **xxx-xx-xxxx**.
Maj. Jerry W. Cook, **xxx-xx-xxxx**.
Maj. Joseph M. Delaney, **xxx-xx-xxxx**.
Maj. Richard J. Dowling, **xxx-xx-xxxx**.
Maj. Richard A. G. Emerson, **xxx-xx-xxxx**.
Maj. William S. Erhart, **xxx-xx-xxxx**.
Maj. George W. Finison, **xxx-xx-xxxx**.
Maj. Stuart D. Fox, **xxx-xx-xxxx**.
Maj. Gordon L. Galloway, **xxx-xx-xxxx**.
Maj. James A. Garland, **xxx-xx-xxxx**.
Maj. Reuben A. Giesick, **xxx-xx-xxxx**.
Maj. Kyle L. Glendy, **xxx-xx-xxxx**.
Maj. John S. Glenn, **xxx-xx-xxxx**.
Maj. Morrow E. Graham, **xxx-xx-xxxx**.
Maj. Francis E. Hazard, **xxx-xx-xxxx**.
Maj. Roger B. Howell, **xxx-xx-xxxx**.
Maj. Martin A. Hunt, **xxx-xx-xxxx**.
Maj. Howard P. Jernigan, **xxx-xx-xxxx**.
Maj. John M. Karibo, **xxx-xx-xxxx**.
Maj. William L. Killgore, **xxx-xx-xxxx**.
Maj. Troy J. Lowe, **xxx-xx-xxxx**.
Maj. Charles Michelsen, **xxx-xx-xxxx**.
Maj. Robert W. Miller, **xxx-xx-xxxx**.
Maj. Maxime J. Montz, Jr., **xxx-xx-xxxx**.
Maj. William D. Neville, **xxx-xx-xxxx**.
Maj. Kai-Henni Pedersen, **xxx-xx-xxxx**.
Maj. Everett S. Peterson, **xxx-xx-xxxx**.
Maj. Kenneth D. Peterson, **xxx-xx-xxxx**.
Maj. William J. Phaneuf, Jr., **xxx-xx-xxxx**.
Maj. Frederick J. Rittenhaus, **xxx-xx-xxxx**.
Maj. Billy J. Strang, **xxx-xx-xxxx**.
Maj. William A. Tavares, **xxx-xx-xxxx**.
Maj. Gustav N. Vansteenberg, **xxx-xx-xxxx**.
Maj. Herbert O. Walker, **xxx-xx-xxxx**.
Maj. Philip A. Williams, **xxx-xx-xxxx**.
Maj. Clifford E. Wilson, **xxx-xx-xxxx**.
Maj. Donald S. Withem, **xxx-xx-xxxx**.
Maj. Norman D. Yeaton, **xxx-xx-xxxx**.

MEDICAL CORPS

Maj. Martin J. Fischer, **xxx-xx-xxxx**.

NURSES CORPS

Maj. Bobbie S. Fox, **xxx-xx-xxxx**.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grade indicated under the provisions of section 8284, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force:

To be captain

Aldebol, Anthony W., **xxx-xx-xxxx**.
Allison, Ronald L., **xxx-xx-xxxx**.
Ames, Robert R., **xxx-xx-xxxx**.
Auwarter, Carmen E., **xxx-xx-xxxx**.
Avery, Gerald N., **xxx-xx-xxxx**.
Baker, Ellery E., **xxx-xx-xxxx**.
Barber, Michael A., **xxx-xx-xxxx**.
Belche, George R., **xxx-xx-xxxx**.
Bentley, Bedford T., Jr., **xxx-xx-xxxx**.
Berry, Alfred N., **xxx-xx-xxxx**.
Berry, Arnold M., **xxx-xx-xxxx**.
Bland, Lewis H., **xxx-xx-xxxx**.
Bomersbach, Richard L., **xxx-xx-xxxx**.

Bonin, James J., Jr., **xxx-xx-xxxx**.
Borocz, Dennis M., **xxx-xx-xxxx**.
Bragaw, Charles L., **xxx-xx-xxxx**.
Brasington, Herbert W., Jr., **xxx-xx-xxxx**.
Brothers, James T., Jr., **xxx-xx-xxxx**.
Carlton, Dennis E., **xxx-xx-xxxx**.
Chilcott, Gary A., **xxx-xx-xxxx**.
Chunn, Curtis W., **xxx-xx-xxxx**.
Cisar, Alexander M., **xxx-xx-xxxx**.
Coffman, William R., **xxx-xx-xxxx**.
Comer, Edward A., Jr., **xxx-xx-xxxx**.
Connely, John M., **xxx-xx-xxxx**.
Cooper, Stanley J., **xxx-xx-xxxx**.
Cox, Joseph H., Jr., **xxx-xx-xxxx**.
Crowell, Donald M., Jr., **xxx-xx-xxxx**.
Cvancara, Dennis A., **xxx-xx-xxxx**.
Dade, Robert W., **xxx-xx-xxxx**.
Dalton, Robert E., **xxx-xx-xxxx**.
Delmar, William A., **xxx-xx-xxxx**.
Dickinson, Robert T., **xxx-xx-xxxx**.
Dolega, Alexander A., Jr., **xxx-xx-xxxx**.
Dull, Gerald C., **xxx-xx-xxxx**.
Eastham, Walter T., **xxx-xx-xxxx**.
Faulk, Melvin W., Jr., **xxx-xx-xxxx**.
Fleiszar, Mitchell J., Jr., **xxx-xx-xxxx**.
Foose, Eugene R., **xxx-xx-xxxx**.
Frederickson, Anthony C., **xxx-xx-xxxx**.
Freed, James L., **xxx-xx-xxxx**.
Fulton, Earnest L., **xxx-xx-xxxx**.
Galvez, Julio, **xxx-xx-xxxx**.
Gannon, John R., **xxx-xx-xxxx**.
Garrett, James T., Jr., **xxx-xx-xxxx**.
Gasperek, Robert A., **xxx-xx-xxxx**.
Gates, Albert E., III, **xxx-xx-xxxx**.
Gatsos, George C., **xxx-xx-xxxx**.
Gentry, John P., **xxx-xx-xxxx**.
Giacomazza, Robert, **xxx-xx-xxxx**.
Gill, Peggy A., **xxx-xx-xxxx**.
Gordon, Michael R., **xxx-xx-xxxx**.
Greenberg, David A., **xxx-xx-xxxx**.
Hallgren, Gordon E., **xxx-xx-xxxx**.
Hamlin, Joseph R., **xxx-xx-xxxx**.
Hammond, Burton V., III, **xxx-xx-xxxx**.
Haney, Dennis B., **xxx-xx-xxxx**.
Hansen, Barry N., **xxx-xx-xxxx**.
Hasbrouck, Richard M., III, **xxx-xx-xxxx**.
Hasebrock, Alan W., **xxx-xx-xxxx**.
Haun, Gerald S., **xxx-xx-xxxx**.
Henson, Charles E., **xxx-xx-xxxx**.
Hill, Richard E., **xxx-xx-xxxx**.
Hilliard, James H., **xxx-xx-xxxx**.
Hobbie, Richard H., **xxx-xx-xxxx**.
Hodges, Warren J., Jr., **xxx-xx-xxxx**.
Hoffman, Charles W., **xxx-xx-xxxx**.
Hosmer, Douglas M., **xxx-xx-xxxx**.
Hunt, Allan W., **xxx-xx-xxxx**.
Japs, Herbert D., **xxx-xx-xxxx**.
Jette, Walter F., **xxx-xx-xxxx**.
Johnson, James M., **xxx-xx-xxxx**.
Johnson, Terry W., **xxx-xx-xxxx**.
Jones, Peter D., **xxx-xx-xxxx**.
Jones, Samuel M., **xxx-xx-xxxx**.
Kemp, Charles S., **xxx-xx-xxxx**.
Kilanowski, Samuel J., **xxx-xx-xxxx**.
Knight, Jon M., **xxx-xx-xxxx**.
Koch, William E., **xxx-xx-xxxx**.
Krasche, Robert L., **xxx-xx-xxxx**.
Kucynda, Stephen, **xxx-xx-xxxx**.
Labarge, David G., **xxx-xx-xxxx**.
Lambert, Paul J., **xxx-xx-xxxx**.
Lambert, William F., **xxx-xx-xxxx**.
Lanoux, Joseph H., **xxx-xx-xxxx**.
Lawrence, Robert M., **xxx-xx-xxxx**.
Leininger, John E., **xxx-xx-xxxx**.
Leroy, Michael D., **xxx-xx-xxxx**.
Liquori, William J., **xxx-xx-xxxx**.
Love, Joseph E., **xxx-xx-xxxx**.
Ludwig, Alfred T., **xxx-xx-xxxx**.
Lynn, Dale R., **xxx-xx-xxxx**.
Mace, Jennings R., II, **xxx-xx-xxxx**.
Macnamee, David C., **xxx-xx-xxxx**.
Magness, John E., **xxx-xx-xxxx**.
Mahan, Charles E., Jr., **xxx-xx-xxxx**.
Marsh, Howard E., Jr., **xxx-xx-xxxx**.
Mayes, Lawrence R., **xxx-xx-xxxx**.
McCarney, Michael J., **xxx-xx-xxxx**.
McClure, Edward J., Jr., **xxx-xx-xxxx**.
McDaniel, Stephen K., **xxx-xx-xxxx**.
McGlashan, James G., **xxx-xx-xxxx**.

McNickle, Paul J., xxx-xx-xxxx
 Meadows, William L., xxx-xx-xxxx
 Menzies, Walter P., Jr., xxx-xx-xxxx
 Meyers, James B., xxx-xx-xxxx
 Miller, Donald L., xxx-xx-xxxx
 Montefusco, Michael T., Jr., xxx-xx-xxxx
 Moody, Glenn L., xxx-xx-xxxx
 Morales, Mario, Jr., xxx-xx-xxxx
 Moser, Lawrence E., xxx-xx-xxxx
 Mudie, Charles R., xxx-xx-xxxx
 Myer, Robert R., III, xxx-xx-xxxx
 Myers, Philip E., xxx-xx-xxxx
 Nager, Robert S., xxx-xx-xxxx
 Nelson, Ernest, xxx-xx-xxxx
 Nesmith, William P., xxx-xx-xxxx
 Newill, Curtis N., III, xxx-xx-xxxx
 Nichols, Gary A., xxx-xx-xxxx
 Nicholson, Thomas M., Jr., xxx-xx-xxxx
 Noveroske, Terry L., xxx-xx-xxxx
 Oliver, Danny, xxx-xx-xxxx
 Ortega, Ernesto R., xxx-xx-xxxx
 Panvini, Joseph S., xxx-xx-xxxx
 Pearce, Michael L., xxx-xx-xxxx
 Pector, Brian L., xxx-xx-xxxx
 Phillips, Dennis L., xxx-xx-xxxx
 Pitman, Benjamin C., Jr., xxx-xx-xxxx
 Polk, Christopher J., xxx-xx-xxxx
 Possemato, Paul A., xxx-xx-xxxx
 Pugh John P., II, xxx-xx-xxxx
 Radawicz, Richard C., xxx-xx-xxxx
 Ramm, Peter E., xxx-xx-xxxx
 Ress, Robert F., xxx-xx-xxxx
 Reynolds, Dennis L., xxx-xx-xxxx
 Rianda, Bruce E., xxx-xx-xxxx
 Rogers, Robert W., xxx-xx-xxxx
 Rohrer, Richard J., xxx-xx-xxxx
 Rule, Robert P., xxx-xx-xxxx
 Sarver, Joseph B., III, xxx-xx-xxxx
 Schileman, Ronald R., xxx-xx-xxxx
 Schoonover, Edwin D., xxx-xx-xxxx
 Seagren, Nelson E., xxx-xx-xxxx
 Seifried, Thomas J., xxx-xx-xxxx
 Shaughnessy, Thomas M., xxx-xx-xxxx
 Shealy, Ronald W., xxx-xx-xxxx
 Shipp, Bill J., Jr., xxx-xx-xxxx
 Shrote, Roy L., xxx-xx-xxxx
 Smith, Linda L., xxx-xx-xxxx
 Smith, Richard T., xxx-xx-xxxx
 Snover, Everett C., Jr., xxx-xx-xxxx
 Sole, John L., xxx-xx-xxxx
 Souhrada, Joseph F., xxx-xx-xxxx
 Sovich, Francis E., xxx-xx-xxxx
 Stahl, Steven C., xxx-xx-xxxx
 Sterling, Michael J., xxx-xx-xxxx
 Strohbehn, Gary D., xxx-xx-xxxx
 Strong, Michael H., xxx-xx-xxxx
 Swager, Charles M., xxx-xx-xxxx
 Sylvester, Gerard R., xxx-xx-xxxx
 Taylor, John G., III, xxx-xx-xxxx
 Thomas, Quentin M., xxx-xx-xxxx
 Tindell, James U., Jr., xxx-xx-xxxx
 Tomhave, Steven F., xxx-xx-xxxx
 Torbert, James B., xxx-xx-xxxx
 Travis, Thomas E., xxx-xx-xxxx
 Triplett, Don M., xxx-xx-xxxx
 Underwood, David C., xxx-xx-xxxx
 Underwood, Howard W., xxx-xx-xxxx
 Underwood, Larry B., xxx-xx-xxxx
 Urban, Russell J., xxx-xx-xxxx
 Venaccio, Michael G., xxx-xx-xxxx
 Vonhollen, Kenneth J., xxx-xx-xxxx
 Vonlemden, Robert J., xxx-xx-xxxx
 Walker, Paul G., Jr., xxx-xx-xxxx
 Walsh, Michael, xxx-xx-xxxx
 Warren, Edward F., xxx-xx-xxxx
 Watras, Ronald E., xxx-xx-xxxx
 Watts, Lloyd T., Jr., xxx-xx-xxxx
 Weers, Harlan T., xxx-xx-xxxx
 Welch, Joseph D., Jr., xxx-xx-xxxx
 Wesley, John R., II, xxx-xx-xxxx
 Westfall, Frederick W., xxx-xx-xxxx
 Whited, Charles E., xxx-xx-xxxx
 Whitley, John G., xxx-xx-xxxx
 Wilcox, Michael D., xxx-xx-xxxx
 Williams, Charles L., xxx-xx-xxxx
 Willis, Lloyd T., xxx-xx-xxxx
 Wimberly, Dan P., xxx-xx-xxxx
 Witt, Buford R., xxx-xx-xxxx
 Woehst, Kirby A., xxx-xx-xxxx
 Wolfe, Harry W., xxx-xx-xxxx

Wood, Wanda C., xxx-xx-xxxx
 Woodward, John L., Jr., xxx-xx-xxxx
 Yechout, Thomas R., xxx-xx-xxxx
 Yule, James A., xxx-xx-xxxx
 Zsedeny, Garnett J., xxx-xx-xxxx

To be first lieutenant

Abby, Darrell L., xxx-xx-xxxx
 Agosto, Jose R., xxx-xx-xxxx
 Albaugh, Harry M., II, xxx-xx-xxxx
 Albers, Alan K., xxx-xx-xxxx
 Allen, Eugene K., xxx-xx-xxxx
 Allen, Francis C., xxx-xx-xxxx
 Allen, Stephen E., xxx-xx-xxxx
 Altizer, Russell E., xxx-xx-xxxx
 Amundson, Mark N., xxx-xx-xxxx
 Anderson, Carl E., xxx-xx-xxxx
 Archibald, Richard C., xxx-xx-xxxx
 Arnott, Neil J., xxx-xx-xxxx
 Ashcraft, John B., xxx-xx-xxxx
 Askins, Robert D., xxx-xx-xxxx
 Aslakson, Thomas L., xxx-xx-xxxx
 Avary, Harold T., xxx-xx-xxxx
 Avirett, William U., xxx-xx-xxxx
 Bailey, Michael J., xxx-xx-xxxx
 Baker, Christopher J., xxx-xx-xxxx
 Baker, Stephen L., xxx-xx-xxxx
 Balkcom, Wellborn M., xxx-xx-xxxx
 Ball, Ronald D., xxx-xx-xxxx
 Barbee, Leonard F., xxx-xx-xxxx
 Barber, Gregory W., xxx-xx-xxxx
 Barclay, David L., xxx-xx-xxxx
 Barnett, Jeffery R., xxx-xx-xxxx
 Barnett, Robert E., xxx-xx-xxxx
 Barnoski, John J., xxx-xx-xxxx
 Barr, Thomas L., xxx-xx-xxxx
 Bartel, Danny J., xxx-xx-xxxx
 Barton, Joseph S., xxx-xx-xxxx
 Bath, William A., xxx-xx-xxxx
 Baxter, Gary D., xxx-xx-xxxx
 Bayer, James E., xxx-xx-xxxx
 Bean, Keith W., xxx-xx-xxxx
 Beard, Richard E., Jr., xxx-xx-xxxx
 Beasley, Everett L., Jr., xxx-xx-xxxx
 Beck, Roger A., xxx-xx-xxxx
 Becker, Richard J., xxx-xx-xxxx
 Becker, Stanley H., xxx-xx-xxxx
 Bedenbaugh, James R., xxx-xx-xxxx
 Beermann, Robert E., xxx-xx-xxxx
 Beers, David G., xxx-xx-xxxx
 Bein, Peter J., xxx-xx-xxxx
 Benjamin, Clayton L., xxx-xx-xxxx
 Bereza, George W., xxx-xx-xxxx
 Berg, Allan E., xxx-xx-xxxx
 Berg, Michael G., xxx-xx-xxxx
 Bergeron, Gerald E., xxx-xx-xxxx
 Bergholdt, Daniel E., xxx-xx-xxxx
 Berry, Robert L., xxx-xx-xxxx
 Berthelot, Barry F., xxx-xx-xxxx
 Bibby, Thomas M., xxx-xx-xxxx
 Bleiski, James L., xxx-xx-xxxx
 Birkhimer, John D., xxx-xx-xxxx
 Bizzell, James W., xxx-xx-xxxx
 Blackwell, Larry W., Sr., xxx-xx-xxxx
 Bledsoe, Jim A., xxx-xx-xxxx
 Bledsoe, Robert M., xxx-xx-xxxx
 Blilie, Lonnie D., xxx-xx-xxxx
 Boatright, Donald L., xxx-xx-xxxx
 Bock, Larry K., xxx-xx-xxxx
 Bodenheim, Edwin H., II, xxx-xx-xxxx
 Boggie, Douglas A., xxx-xx-xxxx
 Boles, Lyman M., xxx-xx-xxxx
 Boozer, John W., III, xxx-xx-xxxx
 Bowen, Clayton P., xxx-xx-xxxx
 Bowling, Clinton D., xxx-xx-xxxx
 Boyle, Johnnie E., xxx-xx-xxxx
 Boyle, Robert E., Jr., xxx-xx-xxxx
 Boyle, Walter F., xxx-xx-xxxx
 Boyle, William E., Jr., xxx-xx-xxxx
 Branson, Terry W., xxx-xx-xxxx
 Braswell, Ralph M., III, xxx-xx-xxxx
 Braswell, Thomas S., xxx-xx-xxxx
 Breed, John A., xxx-xx-xxxx
 Brier, Robert B., xxx-xx-xxxx
 Brinker, Lawrence H., xxx-xx-xxxx
 Britton, Edward J., xxx-xx-xxxx
 Brocki, Paul D., xxx-xx-xxxx
 Broda, Kenneth F., xxx-xx-xxxx
 Brooks, Randall E., xxx-xx-xxxx
 Brown, Edward M., xxx-xx-xxxx
 Brown, Eunice B., xxx-xx-xxxx

Brown, Henry C., xxx-xx-xxxx
 Brown, Kenneth R., xxx-xx-xxxx
 Brown, Martin J., Jr., xxx-xx-xxxx
 Bruce, Christopher D., xxx-xx-xxxx
 Bryce, Walter F., Jr., xxx-xx-xxxx
 Buck, Richard L., xxx-xx-xxxx
 Bukaty, Andrew L., xxx-xx-xxxx
 Bumpas, Michael L., xxx-xx-xxxx
 Buresh, James A., xxx-xx-xxxx
 Burkhardt, James S., xxx-xx-xxxx
 Burroughs, David M., xxx-xx-xxxx
 Burt, Earl D., Jr., xxx-xx-xxxx
 Butler, Gerald J., xxx-xx-xxxx
 Butler, Jeffrey C., xxx-xx-xxxx
 Buttry, Jimmy E., xxx-xx-xxxx
 Byrne, Thomas J., xxx-xx-xxxx
 Cady, Steven E., xxx-xx-xxxx
 Cañero, Mario S., xxx-xx-xxxx
 Caldwell, Ronald E., xxx-xx-xxxx
 Calvert, Paul H., xxx-xx-xxxx
 Cameron, Hugh C., xxx-xx-xxxx
 Campbell, Andrew W., xxx-xx-xxxx
 Capps, Kirby B., xxx-xx-xxxx
 Carlson, Kent C., xxx-xx-xxxx
 Carlton, James W., xxx-xx-xxxx
 Carroll, William B., xxx-xx-xxxx
 Carver, Mark R., xxx-xx-xxxx
 Casto, Stephen R., xxx-xx-xxxx
 Chabot, Richard C., xxx-xx-xxxx
 Chadwick, Larry M., xxx-xx-xxxx
 Chaffin, David E., xxx-xx-xxxx
 Champion, Marvin, C., xxx-xx-xxxx
 Chedister, Robert W., xxx-xx-xxxx
 Chiabotti, Michael J., xxx-xx-xxxx
 Childs, William A., xxx-xx-xxxx
 Ciaccia, Paul, xxx-xx-xxxx
 Ciembronowicz, David T., xxx-xx-xxxx
 Cimino, Michael B., xxx-xx-xxxx
 Clark, Jack, II, xxx-xx-xxxx
 Clawson, Robert E., Jr., xxx-xx-xxxx
 Cobb, Richard S., xxx-xx-xxxx
 Colarco, Richard F., xxx-xx-xxxx
 Cole, Douglas L., xxx-xx-xxxx
 Cole, Wesley D., Jr., xxx-xx-xxxx
 Cole, William H., xxx-xx-xxxx
 Coleman, Marvin, xxx-xx-xxxx
 Collins, Dennis R., xxx-xx-xxxx
 Collins, Ross D., xxx-xx-xxxx
 Colvin, Gregory B., xxx-xx-xxxx
 Conley, Douglas P., xxx-xx-xxxx
 Cornwall, Charles L., xxx-xx-xxxx
 Corradetti, John J., Jr., xxx-xx-xxxx
 Cote, Brian J., xxx-xx-xxxx
 Couch, Robert M., xxx-xx-xxxx
 Coulter, Dennis M., xxx-xx-xxxx
 Courtney, William C., xxx-xx-xxxx
 Coy, Gary L., xxx-xx-xxxx
 Crawford, Robert D., xxx-xx-xxxx
 Creighton, Allen M., III, xxx-xx-xxxx
 Crittenden, Daniel M., xxx-xx-xxxx
 Croft, John R., xxx-xx-xxxx
 Crouch, Jimmie E., Jr., xxx-xx-xxxx
 Cruse, Gary W., xxx-xx-xxxx
 Cummings, Darryl C., xxx-xx-xxxx
 Cunningham, Joseph R., xxx-xx-xxxx
 Currey, Daniel A., xxx-xx-xxxx
 Curtis, Thierry G., xxx-xx-xxxx
 Dally, James L., xxx-xx-xxxx
 Davenport, James E., Jr., xxx-xx-xxxx
 Davis, John C., xxx-xx-xxxx
 Davis, Michael R., xxx-xx-xxxx
 Davis, Philip R., xxx-xx-xxxx
 Davis, Rickey I., xxx-xx-xxxx
 Davis, William C., xxx-xx-xxxx
 Dayton, Edwin M., xxx-xx-xxxx
 Dean, George R., Jr., xxx-xx-xxxx
 Deaton, John D., xxx-xx-xxxx
 DeBatt, Michael R., xxx-xx-xxxx
 Decker, Carl E., III, xxx-xx-xxxx
 Degroot, Case, Jr., xxx-xx-xxxx
 Deloach, Richard C., xxx-xx-xxxx
 Derosa, August I., xxx-xx-xxxx
 Devries, Jan P., xxx-xx-xxxx
 Dickey, Robert P., xxx-xx-xxxx
 Dickinson, Ross E., xxx-xx-xxxx
 Dickson, Richard L., xxx-xx-xxxx
 Dieltz, John P., xxx-xx-xxxx
 Digges, Charles W., xxx-xx-xxxx
 Dills, Gary D., xxx-xx-xxxx
 Dobozy, George K., xxx-xx-xxxx
 Dodson, Robert F., xxx-xx-xxxx

Doskocil, Kenneth L., xxx-xx-xxxx
 Doty, Stephen L., xxx-xx-xxxx
 Douglas, David R., xxx-xx-xxxx
 Draper, Robert T., xxx-xx-xxxx
 Ducharme, Paul E., xxx-xx-xxxx
 Dudek, Michael L., xxx-xx-xxxx
 Duke, David L., xxx-xx-xxxx
 Duncan, Robert E., xxx-xx-xxxx
 Dunlap, Richard D., xxx-xx-xxxx
 Dupre, Maurice J., Jr., xxx-xx-xxxx
 Duttry, Steven R., xxx-xx-xxxx
 Earnest, David T., xxx-xx-xxxx
 Earnest, William T., Jr., xxx-xx-xxxx
 Easterly, Glenn C., xxx-xx-xxxx
 Ebbeson, Carl L., xxx-xx-xxxx
 Eckstein, Donald F., xxx-xx-xxxx
 Edgerton, Robert C., xxx-xx-xxxx
 Elbow, David P., xxx-xx-xxxx
 Elfiner, George A., xxx-xx-xxxx
 Engquist, Timothy G., xxx-xx-xxxx
 Enmark, Wayne B., xxx-xx-xxxx
 Ensign, John W., xxx-xx-xxxx
 Evans, William J., Jr., xxx-xx-xxxx
 Fager, Edward C., xxx-xx-xxxx
 Fay, John J., xxx-xx-xxxx
 Ferris, Frederic E., xxx-xx-xxxx
 Fillyaw, Richard E., xxx-xx-xxxx
 Fischer, Gary H., xxx-xx-xxxx
 Fitzhugh, Richard E., Jr., xxx-xx-xxxx
 Flaherty, Stephen F., xxx-xx-xxxx
 Fleming, Steven E., xxx-xx-xxxx
 Flickinger, Ronald O., xxx-xx-xxxx
 Floyd, John W., xxx-xx-xxxx
 Forest, Ronald L., xxx-xx-xxxx
 Fowler, James M., xxx-xx-xxxx
 Fox, Robert D., xxx-xx-xxxx
 Franklin, Joseph M., III, xxx-xx-xxxx
 Franks, Larry C., xxx-xx-xxxx
 Frederick, Charles H., Jr., xxx-xx-xxxx
 Frescholtz, George F., xxx-xx-xxxx
 Frost, Wilfred R., xxx-xx-xxxx
 Fucci, Daniel T., xxx-xx-xxxx
 Fuquay, Stephen C., xxx-xx-xxxx
 Gaertner, Stephen J., xxx-xx-xxxx
 Gaudioso, Robert, xxx-xx-xxxx
 Gerardi, Kenneth B., xxx-xx-xxxx
 Gilbert, James H., xxx-xx-xxxx
 Gilbert, Robert F., xxx-xx-xxxx
 Gilmore, Timm, xxx-xx-xxxx
 Gladfelder, Owen F., xxx-xx-xxxx
 Gonzales, Harold T., Jr., xxx-xx-xxxx
 Gooch, Ronald W., xxx-xx-xxxx
 Goodman, David L., xxx-xx-xxxx
 Gore, Gary R., xxx-xx-xxxx
 Gorham, Jim K., xxx-xx-xxxx
 Gorman, Joe V., xxx-xx-xxxx
 Gracy, Billy J., xxx-xx-xxxx
 Granier, Thomas R., xxx-xx-xxxx
 Granquist, Dennis D., xxx-xx-xxxx
 Graves, Tommy C., xxx-xx-xxxx
 Gray, John H., xxx-xx-xxxx
 Greenawalt, James L., xxx-xx-xxxx
 Greenwood, Daniel B., xxx-xx-xxxx
 Griffin, Frankie L., xxx-xx-xxxx
 Griffith, Gary L., xxx-xx-xxxx
 Grisanti, Robert C., xxx-xx-xxxx
 Haid, Robert N., xxx-xx-xxxx
 Haigler, Daniel B., xxx-xx-xxxx
 Hale, Robert W., xxx-xx-xxxx
 Hallam, William J., xxx-xx-xxxx
 Hamilton, William C., xxx-xx-xxxx
 Hamner, Hal C., xxx-xx-xxxx
 Hamrick, Jack T., xxx-xx-xxxx
 Hansen, Eric J., xxx-xx-xxxx
 Hardin, Hans R., xxx-xx-xxxx
 Hardy, Frank D., xxx-xx-xxxx
 Hardy, Randall B., xxx-xx-xxxx
 Harlambakis, Christopher N., xxx-xx-xxxx
 Harper, Stephen D., xxx-xx-xxxx
 Harrison, Donnie E., xxx-xx-xxxx
 Harrison, Stephen D., xxx-xx-xxxx
 Hart, James R., xxx-xx-xxxx
 Hart, Thomas J., xxx-xx-xxxx
 Harvey, Gary R., xxx-xx-xxxx
 Hathaway, Kenneth E., xxx-xx-xxxx
 Havert, Gary A., xxx-xx-xxxx
 Hayashi, Edwin M., xxx-xx-xxxx
 Hayes, Michael P., xxx-xx-xxxx
 Haynes, Henry H., xxx-xx-xxxx
 Hays, Samuel J., III, xxx-xx-xxxx
 Heddleston, Roy R., xxx-xx-xxxx
 Heit, Edward E., xxx-xx-xxxx
 Henry, Stephen A., xxx-xx-xxxx
 Henson, Lawrence C., xxx-xx-xxxx
 Herman, Edward T., III, xxx-xx-xxxx
 Heslop, Scott M., xxx-xx-xxxx
 Hessel, Glen M., xxx-xx-xxxx
 Hester, Neil D., xxx-xx-xxxx
 Hickman, Joel R., xxx-xx-xxxx
 Hicks, Charles E., xxx-xx-xxxx
 High, Walter C., xxx-xx-xxxx
 Hoffman, George E., Jr., xxx-xx-xxxx
 Holland, George A., II, xxx-xx-xxxx
 Holland, Lawrence T., xxx-xx-xxxx
 Holmes, Albert L., Jr., xxx-xx-xxxx
 Holquist, Michael R., xxx-xx-xxxx
 Holroyd, William H., xxx-xx-xxxx
 Hopper, Walter H., III, xxx-xx-xxxx
 Hornsey, Robert K., xxx-xx-xxxx
 Horvath, Eugene G., xxx-xx-xxxx
 Hughes, Gregg M., xxx-xx-xxxx
 Hughes, Richard C., xxx-xx-xxxx
 Huls, John F., xxx-xx-xxxx
 Hurst, Herbert H., Jr., xxx-xx-xxxx
 Hurst, Thomas P., xxx-xx-xxxx
 Hutz, John E., xxx-xx-xxxx
 Hypes, Terry L., xxx-xx-xxxx
 Infelise, Jeffery T., xxx-xx-xxxx
 Irie, Roger W., xxx-xx-xxxx
 Irvine, Randy C., xxx-xx-xxxx
 Island, Richard T., xxx-xx-xxxx
 Jack, Gary C., xxx-xx-xxxx
 Jackson, James R., xxx-xx-xxxx
 Jackson, Thomas L., xxx-xx-xxxx
 Jahnke, Thomas O., xxx-xx-xxxx
 James, Calvin L., xxx-xx-xxxx
 Jensen, Stephen L., xxx-xx-xxxx
 Jezek, Theodore F., xxx-xx-xxxx
 Jirschele, John W., xxx-xx-xxxx
 Joffrion, Steven C., xxx-xx-xxxx
 Johnson, John H., xxx-xx-xxxx
 Johnson, Laurence A., xxx-xx-xxxx
 Johnson, Rici V., xxx-xx-xxxx
 Johnson, Robert F., xxx-xx-xxxx
 Johnson, Robert L., xxx-xx-xxxx
 Johnson, William L., xxx-xx-xxxx
 Johnston, Samuel M., xxx-xx-xxxx
 Jollett, Lewis D., xxx-xx-xxxx
 Jones, Brent W., xxx-xx-xxxx
 Jones, Clifford L., xxx-xx-xxxx
 Jones, Kenneth E., xxx-xx-xxxx
 Jones, Kenneth W., xxx-xx-xxxx
 Jones, Larry E., xxx-xx-xxxx
 Jones, Schumpert C., xxx-xx-xxxx
 Joplin, Tommy F., xxx-xx-xxxx
 Joyce, Tommy L., xxx-xx-xxxx
 Kankiewicz, Gerard G., xxx-xx-xxxx
 Karch, Richard P., xxx-xx-xxxx
 Kaseman, Rickey A., xxx-xx-xxxx
 Kegel, Donn P., xxx-xx-xxxx
 Keller, Francis C., xxx-xx-xxxx
 Kennedy, Paul D., xxx-xx-xxxx
 Kenney, Arthur J., xxx-xx-xxxx
 Kettering, Steven W., xxx-xx-xxxx
 Keyt, Richard C., xxx-xx-xxxx
 Kievan, Daniel C., xxx-xx-xxxx
 Kinney, Timothy R., xxx-xx-xxxx
 Kissinger, Dale A., xxx-xx-xxxx
 Kistler, Frank D., xxx-xx-xxxx
 Klein, William M., Jr., xxx-xx-xxxx
 Kmetz, James E., xxx-xx-xxxx
 Kornovich, Willard M., Jr., xxx-xx-xxxx
 Kosiba, Edward S., xxx-xx-xxxx
 Kost, Joseph S., xxx-xx-xxxx
 Krenek, Michael R., xxx-xx-xxxx
 Kurtz, Ronald A., xxx-xx-xxxx
 Kuzanek, Jack A., xxx-xx-xxxx
 Lachner, Gerald L., xxx-xx-xxxx
 Lafferty, Joseph, xxx-xx-xxxx
 Lamar, David W., xxx-xx-xxxx
 Lamm, James R., xxx-xx-xxxx
 Larson, Eric N., xxx-xx-xxxx
 Laskarris, Louis J., xxx-xx-xxxx
 Lasley, Donald E., xxx-xx-xxxx
 Latta, James M., xxx-xx-xxxx
 Lebow, Jack S., xxx-xx-xxxx
 Lee, Robert H., xxx-xx-xxxx
 Lee, Stephan M., xxx-xx-xxxx
 Legge, Leonard M., Jr., xxx-xx-xxxx
 Letts, Stephen M., xxx-xx-xxxx
 Lewis, Billy A., xxx-xx-xxxx
 Lewis, John L., xxx-xx-xxxx
 Lewis, Kenneth W., xxx-xx-xxxx
 Lhommedieu, William C., xxx-xx-xxxx
 Linn, John C., xxx-xx-xxxx
 Little, Arthur M., xxx-xx-xxxx
 Livesay, Merlin T., xxx-xx-xxxx
 Lloyd, James H., III, xxx-xx-xxxx
 Luina, Ramon R., Jr., xxx-xx-xxxx
 Luke, Thomas Hall, xxx-xx-xxxx
 Lush, Michael D., xxx-xx-xxxx
 Lutz, Wayne A., xxx-xx-xxxx
 Lyle, Leonard C., Jr., xxx-xx-xxxx
 MacLean, Douglas E., xxx-xx-xxxx
 Macon, James R., xxx-xx-xxxx
 Maese, Peter M., xxx-xx-xxxx
 Magaro, Raymond F., xxx-xx-xxxx
 Mallahan, Richard A., xxx-xx-xxxx
 Mallory, John B., xxx-xx-xxxx
 Marchewka, Peter S., xxx-xx-xxxx
 Marler, Brent W., xxx-xx-xxxx
 Maroney, Michael J., xxx-xx-xxxx
 Martin, Elmer W., Jr., xxx-xx-xxxx
 Martin, John M., Jr., xxx-xx-xxxx
 Mashburn, Dennis W., xxx-xx-xxxx
 Masin, John L., xxx-xx-xxxx
 Massengale, Robert M., xxx-xx-xxxx
 Mateski, James E., xxx-xx-xxxx
 Mathis, William E., xxx-xx-xxxx
 Maul, Gregory A., xxx-xx-xxxx
 Mayer, Lyle T., xxx-xx-xxxx
 Maynard, Otto L., xxx-xx-xxxx
 Mazick, Martin M., xxx-xx-xxxx
 McAdams, Robert P., xxx-xx-xxxx
 McCallum, Ronald P., xxx-xx-xxxx
 McConnell, Michael G., xxx-xx-xxxx
 McCreary, Earl E., xxx-xx-xxxx
 McGrew, Daren P., xxx-xx-xxxx
 McGuirk, John J., xxx-xx-xxxx
 McNabb, Clinton E., xxx-xx-xxxx
 McQueeney, Daniel S., xxx-xx-xxxx
 Meighan, William J., xxx-xx-xxxx
 Melich, Michael J., xxx-xx-xxxx
 Mennow, Robert E., II, xxx-xx-xxxx
 Metius, Jeffrey A., xxx-xx-xxxx
 Miller, James F., xxx-xx-xxxx
 Miller, John R., Jr., xxx-xx-xxxx
 Miller, Keith R., xxx-xx-xxxx
 Miller, Michael G., xxx-xx-xxxx
 Miller, Phillip E., xxx-xx-xxxx
 Miller, Robert K., xxx-xx-xxxx
 Miller, William G., xxx-xx-xxxx
 Millican, Robert L., xxx-xx-xxxx
 Minish, Clyde O., xxx-xx-xxxx
 Miyauchi, Perry R., xxx-xx-xxxx
 Moates, Peter W., xxx-xx-xxxx
 Mobley, Harold R., xxx-xx-xxxx
 Moffatt, John J., xxx-xx-xxxx
 Mohr, Dennis J., xxx-xx-xxxx
 Moncure, Thomas B., xxx-xx-xxxx
 Montgomery, James M., xxx-xx-xxxx
 Moore, James W., xxx-xx-xxxx
 Moore, John C., xxx-xx-xxxx
 Moore, Michael D., xxx-xx-xxxx
 Moore, Roger L., xxx-xx-xxxx
 Morgan, Charles R., xxx-xx-xxxx
 Morra, Richard J., II, xxx-xx-xxxx
 Morris, Walter J., xxx-xx-xxxx
 Morse, George A., xxx-xx-xxxx
 Mortensen, Chad T., xxx-xx-xxxx
 Moseley, Teed M., xxx-xx-xxxx
 Muldowney, Kenneth J., xxx-xx-xxxx
 Munson, Ronald D., xxx-xx-xxxx
 Mustard, Robert E., xxx-xx-xxxx
 Napper, Russell E., xxx-xx-xxxx
 Neal, Thomas O., xxx-xx-xxxx
 Near, Robert W., xxx-xx-xxxx
 Neitzel, Michael J., xxx-xx-xxxx
 Neuhofer, Carl M., xxx-xx-xxxx
 Newkirk, Kenneth A., xxx-xx-xxxx
 Nickell, Arthur M., xxx-xx-xxxx
 Nistico, George T., Jr., xxx-xx-xxxx
 Nogues, William J., xxx-xx-xxxx
 Norris, Johnny F., Jr., xxx-xx-xxxx
 Norris, Robert S., xxx-xx-xxxx
 Novy, Steven D., xxx-xx-xxxx
 O'Connor, William L., xxx-xx-xxxx
 O'Day, Peter R., xxx-xx-xxxx
 Ogonowski, John A., xxx-xx-xxxx
 O'Leary, James P., xxx-xx-xxxx
 Oles, David L., xxx-xx-xxxx

O'Neill, Timothy H., xxx-xx-xxxx
 Ordes, Mark S., xxx-xx-xxxx
 Otanicar, Phillip L., xxx-xx-xxxx
 Otero, Enrique, xxx-xx-xxxx
 Parrington, Alan J., xxx-xx-xxxx
 Passaro, George J., Jr., xxx-xx-xxxx
 Patrum, Charles H., xxx-xx-xxxx
 Patterson, Clifford G., xxx-xx-xxxx
 Patterson, Derron J., xxx-xx-xxxx
 Patterson, James M., xxx-xx-xxxx
 Patton, Andrew C., xxx-xx-xxxx
 Paul, Michael W., xxx-xx-xxxx
 Payne, Roger L., xxx-xx-xxxx
 Pearson, Clinton C., xxx-xx-xxxx
 Pease, Gerald F., Jr., xxx-xx-xxxx
 Perkins, Marcus E., xxx-xx-xxxx
 Perlee, Lawrence R., xxx-xx-xxxx
 Perry, Dennis C., xxx-xx-xxxx
 Pester, Robert C., xxx-xx-xxxx
 Peterson, Frederick E., xxx-xx-xxxx
 Peterson, Robert M., xxx-xx-xxxx
 Pfister, Donald C., xxx-xx-xxxx
 Phippen, Earl F., xxx-xx-xxxx
 Piazza, John B., xxx-xx-xxxx
 Pieper, Delos M., xxx-xx-xxxx
 Pomykalski, Thomas S., xxx-xx-xxxx
 Popkess, John C., xxx-xx-xxxx
 Pousardien, Henri J., xxx-xx-xxxx
 Prieco, John P., xxx-xx-xxxx
 Priestler, Wyman J., III, xxx-xx-xxxx
 Przybyl, Reginald J., xxx-xx-xxxx
 Quigley, Michael A., xxx-xx-xxxx
 Ramey, William P., Jr., xxx-xx-xxxx
 Rangel, Michael J., xxx-xx-xxxx
 Ranieri, James J., xxx-xx-xxxx
 Rasmussen, Craig P., xxx-xx-xxxx
 Rauch, William A., xxx-xx-xxxx
 Ray, James J., xxx-xx-xxxx
 Ray, Phillip M., xxx-xx-xxxx
 Read, Robyn S., xxx-xx-xxxx
 Ready, Ronald L., xxx-xx-xxxx
 Reedy, George K., Jr., xxx-xx-xxxx
 Regan, Terrence M., xxx-xx-xxxx
 Rehkop, John K., xxx-xx-xxxx
 Reid, John E., xxx-xx-xxxx
 Reil, John R., xxx-xx-xxxx
 Reinhardt, Kirk D., xxx-xx-xxxx
 Reinsmith, Leonard L., III, xxx-xx-xxxx
 Reiser, William K., xxx-xx-xxxx
 Remington, Michael D., xxx-xx-xxxx
 Rendina, Rodney A., xxx-xx-xxxx
 Renuart, Victor E., Jr., xxx-xx-xxxx
 Reseter, Larry Andrew, xxx-xx-xxxx
 Rich, Clark, xxx-xx-xxxx
 Richards, William L., III, xxx-xx-xxxx
 Richardson, Mark F., xxx-xx-xxxx
 Richey, Robert A., xxx-xx-xxxx
 Riefner, Louis J., Jr., xxx-xx-xxxx
 Rivet, Jason J., xxx-xx-xxxx
 Roberts, Brian A., xxx-xx-xxxx
 Roberts, Gregory M., xxx-xx-xxxx
 Roberts, Joe M., xxx-xx-xxxx
 Robertson, Dan W., xxx-xx-xxxx
 Robertson, Stephen L., xxx-xx-xxxx
 Robinson, Donald L., Jr., xxx-xx-xxxx
 Robinson, Gary D., xxx-xx-xxxx
 Rogaliner, Gary A., xxx-xx-xxxx
 Rogers, Charles R., III, xxx-xx-xxxx
 Rogers, Philip W., xxx-xx-xxxx
 Romes, Charles S., xxx-xx-xxxx
 Ropp, Michael E., xxx-xx-xxxx
 Roshto, Jerry E., xxx-xx-xxxx
 Rouse, Paul M., xxx-xx-xxxx
 Rovin, Gary L., xxx-xx-xxxx
 Rowland, Lloyd B., xxx-xx-xxxx
 Roy, Maurice J., xxx-xx-xxxx
 Rubino, John A., III, xxx-xx-xxxx
 Rudd, Robert B., xxx-xx-xxxx
 Rulz, Rhett J., xxx-xx-xxxx
 Rumsey, Rocky R., xxx-xx-xxxx
 Runft, Wendell J., xxx-xx-xxxx
 Russell, John H., xxx-xx-xxxx
 Russo, David S., xxx-xx-xxxx
 Ruther, Rodney S., xxx-xx-xxxx
 Ryker, Gary E., xxx-xx-xxxx
 Saettel, William J., xxx-xx-xxxx
 Salter, Thomas O., xxx-xx-xxxx
 Sanchez, Joseph G., xxx-xx-xxxx
 Sanders, James, xxx-xx-xxxx
 Sarnacki, Joseph B., xxx-xx-xxxx

Schafer, George D., xxx-xx-xxxx
 Scharf, Thomas E., xxx-xx-xxxx
 Schnyder, Michael D., xxx-xx-xxxx
 Schorp, Weldon L., Jr., xxx-xx-xxxx
 Schrader, Jeffrey J., xxx-xx-xxxx
 Schulz, Daniel H., xxx-xx-xxxx
 Schwab, Gregory J., xxx-xx-xxxx
 Searles, Paul W., Jr., xxx-xx-xxxx
 Seigle, James L., xxx-xx-xxxx
 Shaddock, James S., xxx-xx-xxxx
 Shaver, Craig R., xxx-xx-xxxx
 Shaw, Richard C., xxx-xx-xxxx
 Sheffield, Robert E., xxx-xx-xxxx
 Shelton, James B., xxx-xx-xxxx
 Shively, Thomas L., xxx-xx-xxxx
 Shockro, John J., xxx-xx-xxxx
 Shore, Guy R., Jr., xxx-xx-xxxx
 Shultz, Ronald L., xxx-xx-xxxx
 Sides, John W., xxx-xx-xxxx
 Siegel, Donald C., xxx-xx-xxxx
 Silkebaken, Dennis F., xxx-xx-xxxx
 Slagle, Jack O., Jr., xxx-xx-xxxx
 Slinkard, Michael E., xxx-xx-xxxx
 Sloan, Jack C., xxx-xx-xxxx
 Smith Brian J., xxx-xx-xxxx
 Smith, Daniel K., xxx-xx-xxxx
 Smith, David W., xxx-xx-xxxx
 Smith, Gregory O., xxx-xx-xxxx
 Smith, James A., xxx-xx-xxxx
 Smith, William B., xxx-xx-xxxx
 Smyrl, Gary L., xxx-xx-xxxx
 Snyder, Gregory P., xxx-xx-xxxx
 Sonnonstine, Thomas C., xxx-xx-xxxx
 Souerdyke, Gilbert R., xxx-xx-xxxx
 Sparks, Jon B., xxx-xx-xxxx
 Spear, Mark C., xxx-xx-xxxx
 Spencer, Kenneth A., xxx-xx-xxxx
 Spicer, Richard K., xxx-xx-xxxx
 Spikes, Louis D., Jr., xxx-xx-xxxx
 Spracher, David L., xxx-xx-xxxx
 Spurlock, Kenneth M., xxx-xx-xxxx
 Stanko, Timothy M., xxx-xx-xxxx
 Starbuck, Floyd R., xxx-xx-xxxx
 Stegman, Patrick G., xxx-xx-xxxx
 Stephenson, Michael J., xxx-xx-xxxx
 Stewart, Douglas M., xxx-xx-xxxx
 Stewart, Larry J., xxx-xx-xxxx
 Stewart, William F., xxx-xx-xxxx
 Stokes, David W., xxx-xx-xxxx
 Stplere, Thomas J., xxx-xx-xxxx
 Sullivan, Billy F., xxx-xx-xxxx
 Swain, John E., xxx-xx-xxxx
 Szczur, Lawrence G., xxx-xx-xxxx
 Tamez, Thomas V., xxx-xx-xxxx
 Tanner, Jerry D., xxx-xx-xxxx
 Tapasz, Robert W., Jr., xxx-xx-xxxx
 Tashima, Alan I., xxx-xx-xxxx
 Tatum, Gregory N., xxx-xx-xxxx
 Taylor, Paul A., xxx-xx-xxxx
 Taylor, Roy J., Jr., xxx-xx-xxxx
 Teeter, Dennis P., xxx-xx-xxxx
 Teigen, James D., xxx-xx-xxxx
 Tellefsen, Ralph D., xxx-xx-xxxx
 Templin, Gregg T., xxx-xx-xxxx
 Terry, Robert B., xxx-xx-xxxx
 Thetford, Kenny M., xxx-xx-xxxx
 Thompson, John E., Jr., xxx-xx-xxxx
 Thuesen, Robert J., xxx-xx-xxxx
 Timmons, Timothy T., xxx-xx-xxxx
 Titus, Gerald T., xxx-xx-xxxx
 Tolle, Harry A., Jr., xxx-xx-xxxx
 Tooker, William R., xxx-xx-xxxx
 Torgerson, Keith A., xxx-xx-xxxx
 Tornow, Joel F., xxx-xx-xxxx
 Totty, Edwin K., xxx-xx-xxxx
 Trapp, Peter D., xxx-xx-xxxx
 Trygstad, Carl D., xxx-xx-xxxx
 Tucker, Edward L., xxx-xx-xxxx
 Tutwiler, Charles M., xxx-xx-xxxx
 Tylski, Craig A., xxx-xx-xxxx
 Vanarsdale, David D., xxx-xx-xxxx
 Vanbebber, John G., Jr., xxx-xx-xxxx
 Vance, William, xxx-xx-xxxx
 Vancleef, Scott P., xxx-xx-xxxx
 Vanderford, Michael E., xxx-xx-xxxx
 Vandermark, Michael J., xxx-xx-xxxx
 Vanderveen, Linn L., xxx-xx-xxxx
 Vanderweert, Ronald, xxx-xx-xxxx
 Vangsnes, David G., xxx-xx-xxxx
 Vanmullen, Louis D., Jr., xxx-xx-xxxx

Vanvelzer, Michael J., xxx-xx-xxxx
 Vaughn, Larry E., xxx-xx-xxxx
 Vogler, Edward R., xxx-xx-xxxx
 Vorhies, Steven W., xxx-xx-xxxx
 Wade, William G., xxx-xx-xxxx
 Wall, Jeffrey L., xxx-xx-xxxx
 Wall, Terry L., xxx-xx-xxxx
 Wallace, Robert E., xxx-xx-xxxx
 Walters, Gary W., xxx-xx-xxxx
 Walters, James R., xxx-xx-xxxx
 Walters, Thomas D., xxx-xx-xxxx
 Waters, Larry W., xxx-xx-xxxx
 Weaver, Michael H., xxx-xx-xxxx
 Weed, Steven C., xxx-xx-xxxx
 Welsbecker, Richard J., xxx-xx-xxxx
 Welsgram, Douglas A., xxx-xx-xxxx
 Werner, Marc H., xxx-xx-xxxx
 Westfall, Ronald L., xxx-xx-xxxx
 Westrom, Alan R., xxx-xx-xxxx
 Whetzel, Paul D., Jr., xxx-xx-xxxx
 White, James C., xxx-xx-xxxx
 White, James L., xxx-xx-xxxx
 Whiteford, Paul R., Jr., xxx-xx-xxxx
 Wickers, Randolph A., xxx-xx-xxxx
 Widder, Roy L., xxx-xx-xxxx
 Wiggins, Dwayne L., xxx-xx-xxxx
 Wiles, Carl J., Jr., xxx-xx-xxxx
 Wilkinson, Stephen C., xxx-xx-xxxx
 Willer, Wayne A., xxx-xx-xxxx
 Williams, Edgar D., Jr., xxx-xx-xxxx
 Williams, Gary E., xxx-xx-xxxx
 Williams, Gary H., xxx-xx-xxxx
 Williams, Joseph Y., Jr., xxx-xx-xxxx
 Williamson, William H., Jr., xxx-xx-xxxx
 Wilson, Dudley C., xxx-xx-xxxx
 Wilson, James H., xxx-xx-xxxx
 Winters, Harry L., xxx-xx-xxxx
 Witte, Richard P., xxx-xx-xxxx
 Woods, David A., III, xxx-xx-xxxx
 Woods, David R., xxx-xx-xxxx
 Woolley, Michael W., xxx-xx-xxxx
 Wools, Richard R., xxx-xx-xxxx
 Wright, David K., xxx-xx-xxxx
 Yoder, Ellis E., xxx-xx-xxxx
 Yost, Raymond A., xxx-xx-xxxx
 Young, Michael J., xxx-xx-xxxx
 Young, Paul S., xxx-xx-xxxx
 Youngman, Neil A., xxx-xx-xxxx
 Yowell, Kenneth E., xxx-xx-xxxx
 Zlotkowski, Mark E., xxx-xx-xxxx

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Gesulga, Theodore B., xxx-xx-xxxx
 Karrenbauer, Thomas, xxx-xx-xxxx
 Lauzon, Gerald R., xxx-xx-xxxx
 MacDiarmid, Warren R., xxx-xx-xxxx
 Quesinberry, Robert J., xxx-xx-xxxx
 Terrell, Douglas R., xxx-xx-xxxx

To be captain

Alden, John B., xxx-xx-xxxx
 Allen, Thomas S., xxx-xx-xxxx
 Austin, Larry L., xxx-xx-xxxx
 Bagley, Frederick J., xxx-xx-xxxx
 Baldwin, Robert L., xxx-xx-xxxx
 Baxley, Carl R., xxx-xx-xxxx
 Beck, James W., xxx-xx-xxxx
 Biekkola, James W., xxx-xx-xxxx
 Blackburn, David A., xxx-xx-xxxx
 Bradley, Edward J., Jr., xxx-xx-xxxx
 Brasili, Samuel A., xxx-xx-xxxx
 Brooks, Charles G., xxx-xx-xxxx
 Brown, Roger B., xxx-xx-xxxx
 Carroll, Jason D., xxx-xx-xxxx
 Chellman, Ronald J., xxx-xx-xxxx
 Cleveland, Horst H., xxx-xx-xxxx
 Cooper, James W., xxx-xx-xxxx
 Coutoumanos, George, xxx-xx-xxxx
 Crawford, Mike O., III, xxx-xx-xxxx
 Daniel, Thomas H., xxx-xx-xxxx
 Davis, Guy E., xxx-xx-xxxx
 Davis, Terrance M., xxx-xx-xxxx
 Dawley, John E., Jr., xxx-xx-xxxx
 Everston, Norman J., xxx-xx-xxxx
 Fields, Richard L., xxx-xx-xxxx

Ford, Charles K., xxx-xx-xxxx
 Fraser, James H., Jr., xxx-xx-xxxx
 Halbert, Gerald A., xxx-xx-xxxx
 Haugh, John F., xxx-xx-xxxx
 Hefner, James R., xxx-xx-xxxx
 Heimgartner, Harlan D., xxx-xx-xxxx
 Hemphill, Douglass R., xxx-xx-xxxx
 Henwood, William T., xxx-xx-xxxx
 Houser, Charles T., xxx-xx-xxxx
 Huff, Howard F., Jr., xxx-xx-xxxx
 Hunter, Harold L., xxx-xx-xxxx
 Hupman, Donald P., Jr., xxx-xx-xxxx
 Johnson, Jesse L., xxx-xx-xxxx
 Johnston, Kit M., xxx-xx-xxxx
 Koch, Michael E., xxx-xx-xxxx
 Kuehn, Michael G., xxx-xx-xxxx
 Lall, John E., xxx-xx-xxxx
 Lamothe, John D., xxx-xx-xxxx
 Laposky, Robert E., xxx-xx-xxxx
 Lawrence, Dean M., xxx-xx-xxxx
 Lee, Thomas S., xxx-xx-xxxx
 Maling, Claudia K., xxx-xx-xxxx
 McDermott, Anthony R., xxx-xx-xxxx
 McGowan, Gregory F., xxx-xx-xxxx
 McNeil, John J., xxx-xx-xxxx
 McNutt, William A., xxx-xx-xxxx
 Menix, Wilbert R., xxx-xx-xxxx
 Mills, Hugh L., xxx-xx-xxxx
 Molinari, Joseph D., xxx-xx-xxxx
 Montgomery, Kingsley V., xxx-xx-xxxx
 Moot, Raymond M., xxx-xx-xxxx
 Murphy, Billy G., xxx-xx-xxxx
 Nichol, John B., xxx-xx-xxxx
 Nienhagen, Ulrich, xxx-xx-xxxx
 Noonan, Robert W., xxx-xx-xxxx
 Patterson, Ian T., Jr., xxx-xx-xxxx
 Petzinger, Manfred W. A., xxx-xx-xxxx
 Rechner, Hubert, xxx-xx-xxxx
 Reddy, Robert P., xxx-xx-xxxx
 Roath, Sterling Jr., xxx-xx-xxxx
 Robson, Richard R., xxx-xx-xxxx
 Rogers, Thomas A., xxx-xx-xxxx
 Shipley, James E., xxx-xx-xxxx
 Spring, Mary A. James., xxx-xx-xxxx
 Stookey, Frank T., xxx-xx-xxxx
 Street, Preas L., xxx-xx-xxxx
 Thibedeau, Gordon L., xxx-xx-xxxx
 Turdici, James, xxx-xx-xxxx
 Varis, Peter H., xxx-xx-xxxx
 Wagonhurst, Jeffrey A., xxx-xx-xxxx
 Watson, Robert J., xxx-xx-xxxx
 Weisman, David S., xxx-xx-xxxx
 White, William K., xxx-xx-xxxx
 Wiese, Paul J., xxx-xx-xxxx
 Williams, Richard A., xxx-xx-xxxx
 Wojczynski, James S., xxx-xx-xxxx
 Yealy, Kenneth A., xxx-xx-xxxx
 Young, Wayne E., xxx-xx-xxxx

To be first lieutenant

Antoskow, Zina L., II, xxx-xx-xxxx
 Andrews, Stephen W., xxx-xx-xxxx
 Antoskow, Zina L., II, xxx-xx-xxxx
 Belcher, David W., xxx-xx-xxxx
 Blake, Douglas B., xxx-xx-xxxx
 Boulse, Gerald L., xxx-xx-xxxx
 Breier, John A., xxx-xx-xxxx
 Brendsel, Allan C., xxx-xx-xxxx
 Burse, Billy J., xxx-xx-xxxx
 Caruso, John J., xxx-xx-xxxx
 Caswell, Kenneth L., xxx-xx-xxxx
 Catlin, John D., xxx-xx-xxxx
 Cheney, Craig C., xxx-xx-xxxx
 Coberly, James B., xxx-xx-xxxx
 Cole, Thomas P., xxx-xx-xxxx
 Collins, James M., Jr., xxx-xx-xxxx
 Coplen, Ricky C., xxx-xx-xxxx
 Crawford, Steven L., xxx-xx-xxxx
 Dale, Ronald P., xxx-xx-xxxx
 Danielson, Jesse M., xxx-xx-xxxx
 Decker, Dale E., xxx-xx-xxxx
 Deluca, Thomas A., xxx-xx-xxxx
 Deperro, Peter J., xxx-xx-xxxx
 Doerr, Gumher E., xxx-xx-xxxx
 Dresen, Thomas E., xxx-xx-xxxx
 Durden, Richard L., xxx-xx-xxxx
 Eller, Jay B., xxx-xx-xxxx
 Eller, Robert J., xxx-xx-xxxx
 Fitzgerald, Edward, xxx-xx-xxxx
 Fitzpatrick, Bernard D. I., xxx-xx-xxxx
 Foley, James E., xxx-xx-xxxx

Forster, Larry M., xxx-xx-xxxx
 Frampton, Henry G., III, xxx-xx-xxxx
 Freeman, Michael E., xxx-xx-xxxx
 Geoghagan, Michael S., xxx-xx-xxxx
 Gerding, Richard L., xxx-xx-xxxx
 Glantz, Roslyn M., xxx-xx-xxxx
 Godwin, William S., xxx-xx-xxxx
 Goodman, Huey D., xxx-xx-xxxx
 Griffith, Ralph E., xxx-xx-xxxx
 Hakapian, Ambakum, xxx-xx-xxxx
 Hart, William L., xxx-xx-xxxx
 Hawk, William F., xxx-xx-xxxx
 Hayden, Lewell P., xxx-xx-xxxx
 Heelan, James E., xxx-xx-xxxx
 Heffelfinger, James D., xxx-xx-xxxx
 Henderson, Paul D., xxx-xx-xxxx
 Hickman, Robert W., Jr., xxx-xx-xxxx
 Hinton, Larry D., xxx-xx-xxxx
 Huddleston, Robert T., Sr., xxx-xx-xxxx
 Isler, Roderick J., xxx-xx-xxxx
 Jankowski, Lisa T., xxx-xx-xxxx
 Jenkins, Jerry L., xxx-xx-xxxx
 Johnson, David M., III, xxx-xx-xxxx
 Johnston, Charles E., xxx-xx-xxxx
 Kirby, John D., xxx-xx-xxxx
 Lippy, Thomas W., xxx-xx-xxxx
 Loeffelholz, Dennis J., xxx-xx-xxxx
 Logan, Ralph F., xxx-xx-xxxx
 Malone, John R., Jr., xxx-xx-xxxx
 Mann, Paul A., xxx-xx-xxxx
 Marsh, Robert D., Jr., xxx-xx-xxxx
 Martin, Dennis R., xxx-xx-xxxx
 Martin, Michael J., xxx-xx-xxxx
 McAdoo, Arvil W., xxx-xx-xxxx
 Minger, Bruce R., xxx-xx-xxxx
 Morford, Frederick, xxx-xx-xxxx
 Mueller, Mark E., xxx-xx-xxxx
 Nelson, John D., xxx-xx-xxxx
 Neubert, Robert W., xxx-xx-xxxx
 Neukom, Peter C., xxx-xx-xxxx
 Novak, Stephen R., xxx-xx-xxxx
 Nowinski, Richard W., xxx-xx-xxxx
 Noyes, Nathan W., xxx-xx-xxxx
 Orr, Billy T., xxx-xx-xxxx
 Palmer, Leon F., xxx-xx-xxxx
 Parker, Ronald M., xxx-xx-xxxx
 Penick, Joe K., xxx-xx-xxxx
 Peresich, Robert J., xxx-xx-xxxx
 Perez, Ovidio E., xxx-xx-xxxx
 Perla, Livio G., xxx-xx-xxxx
 Prewitt, Iiona E., xxx-xx-xxxx
 Quay, Herman E., Jr., xxx-xx-xxxx
 Ramey, Darrell L., xxx-xx-xxxx
 Reed, David M., xxx-xx-xxxx
 Rice, Ronald L., xxx-xx-xxxx
 Rieder, John E., xxx-xx-xxxx
 Riggs, George P., xxx-xx-xxxx
 Rivers, Wharton B., Jr., xxx-xx-xxxx
 Rodriguez, Robert W., xxx-xx-xxxx
 Roelse, Robert E., xxx-xx-xxxx
 Roett, Bruce U., xxx-xx-xxxx
 Rose, Lawrence C., Jr., xxx-xx-xxxx
 Saarinen, Linda E., xxx-xx-xxxx
 Scipione, John A., xxx-xx-xxxx
 Sines, Robert G., Jr., xxx-xx-xxxx
 Solom, Gary Q., xxx-xx-xxxx
 Springer, Danny J., xxx-xx-xxxx
 Stallings, Walter D., xxx-xx-xxxx
 Stein, John D., xxx-xx-xxxx
 Stevens, Billy W., xxx-xx-xxxx
 Stewart, Michael R., xxx-xx-xxxx
 Toney, Dwight D., xxx-xx-xxxx
 Travilla, Gregg, xxx-xx-xxxx
 Treyz, Fred A., xxx-xx-xxxx
 Trimble, Howard T., xxx-xx-xxxx
 Tuck, Richard A., xxx-xx-xxxx
 Turpin, Terry S., xxx-xx-xxxx
 Velky, Lawrence J., xxx-xx-xxxx
 Voss, Daniel R., xxx-xx-xxxx
 Welch, Leslie R., xxx-xx-xxxx
 White, Glen R., xxx-xx-xxxx
 Wilmoth, Frankie, xxx-xx-xxxx
 Wolfe, William L., xxx-xx-xxxx
 Zanow, William L., xxx-xx-xxxx

To be second lieutenant

Branch, Hugh K., xxx-xx-xxxx
 Cooley, John T., Jr., xxx-xx-xxxx
 Erlenkotter, Sue, xxx-xx-xxxx
 Halter, Susan S., xxx-xx-xxxx

James, Clayton W., xxx-xx-xxxx
 King, Carol D., xxx-xx-xxxx
 Gray, Juan P., xxx-xx-xxxx
 Lowman, Charles D., xxx-xx-xxxx
 McKee, Charles, xxx-xx-xxxx
 Miller, Linda K., xxx-xx-xxxx
 Nelsen, John A., xxx-xx-xxxx
 Salisbury, Sandra L., xxx-xx-xxxx

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

Haas, Weston Carlos F., xxx-xx-xxxx
 Lott, Merjoery P., xxx-xx-xxxx
 Robalino, Joffre, xxx-xx-xxxx
 Top, Franklin H., Jr., xxx-xx-xxxx

To be captain

Antosh, Thomas F., xxx-xx-xxxx
 Ballard, Basil L., xxx-xx-xxxx
 Baumholtz, Frank C., xxx-xx-xxxx
 Bechtold, William A., xxx-xx-xxxx
 Bersano, Raymond B., xxx-xx-xxxx
 Blanck, Ronald R., xxx-xx-xxxx
 Braig, Carol C., xxx-xx-xxxx
 Brennan, William A., xxx-xx-xxxx
 Butler, Gerald V., xxx-xx-xxxx
 Bufkin, Henry P., xxx-xx-xxxx
 Cagle, Donald E., xxx-xx-xxxx
 Carr, John C., xxx-xx-xxxx
 Carter, Victor S., xxx-xx-xxxx
 Colby, Edward L., xxx-xx-xxxx
 Cramer, Dayton M., xxx-xx-xxxx
 Face, Ronald P., Jr., xxx-xx-xxxx
 Gaither, Richard M., xxx-xx-xxxx
 Garrett, Robert W., xxx-xx-xxxx
 Garrison, Raymond E., xxx-xx-xxxx
 Gourlay, Stuart J., xxx-xx-xxxx
 Graham, Janet V., xxx-xx-xxxx
 Graves, Joseph L., xxx-xx-xxxx
 Griffin, Thomas E., III, xxx-xx-xxxx
 Handcox, Robert C., xxx-xx-xxxx
 Helm, Frederick L., xxx-xx-xxxx
 Hiller, George, xxx-xx-xxxx
 Hopkins, Charles D., xxx-xx-xxxx
 Johnsey, Ronnie T., xxx-xx-xxxx
 Jordan, Robert D., xxx-xx-xxxx
 Martin, Herman L., xxx-xx-xxxx
 Mayhall, John O., Jr., xxx-xx-xxxx
 McCaskill, Robert E., xxx-xx-xxxx
 Mylander, Kenneth W., xxx-xx-xxxx
 Plaut, Joyce E., xxx-xx-xxxx
 Plummer, Roy G., xxx-xx-xxxx
 Sigala, Joseph L., xxx-xx-xxxx
 Simmott, Robert C., xxx-xx-xxxx
 Smith, Peter M., xxx-xx-xxxx
 Stright, Barbara R., xxx-xx-xxxx
 Updegraff, Bryan R., xxx-xx-xxxx
 Walters, Charles L., xxx-xx-xxxx
 Watt, George W., xxx-xx-xxxx
 Zawadsky, Peter M., xxx-xx-xxxx

To be first lieutenant

Alexander, Linda L., xxx-xx-xxxx
 Bock, Frederick M., IV, xxx-xx-xxxx
 Brown, Barry D., xxx-xx-xxxx
 Buczynski, Ronald J., xxx-xx-xxxx
 Call, Catherine R., xxx-xx-xxxx
 Carney, Mary G., xxx-xx-xxxx
 Cummings, Edward R., xxx-xx-xxxx
 Davidson, Van M., xxx-xx-xxxx
 Dunson, Joy E., xxx-xx-xxxx
 Farrell, Natalie A., xxx-xx-xxxx
 Ferrell, James C., xxx-xx-xxxx
 Hartman, Jack M., xxx-xx-xxxx
 Hilgenhold, Rita L., xxx-xx-xxxx
 Hirsch, Kathleen M., xxx-xx-xxxx
 Hoffman, Martin L., xxx-xx-xxxx
 Hubbs, Mary E., xxx-xx-xxxx
 Kendall, Suzanne E., xxx-xx-xxxx
 Key, William S., xxx-xx-xxxx
 Lamarche, Stephen M., xxx-xx-xxxx
 Lensing, William A., xxx-xx-xxxx
 Leon, Delores M., xxx-xx-xxxx
 McClenney, Loretta M., xxx-xx-xxxx
 Perkins, Peter V., xxx-xx-xxxx
 Posey, David M., xxx-xx-xxxx
 Rutt, Wade T., xxx-xx-xxxx

Sebastian, Henry A., ~~xxx-xx-xxxx~~
Watson, Monte R., ~~xxx-xx-xxxx~~

To be second lieutenant

Bejamin, Marcia J., ~~xxx-xx-xxxx~~
Hale, Carol J. P., ~~xxx-xx-xxxx~~
Simmons, Myra D., ~~xxx-xx-xxxx~~
Wood, Sylvia H., ~~xxx-xx-xxxx~~

The following-named distinguished military student for appointment in the Regular Army of the United States in the grade of second lieutenant under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Dechau, Gregory, ~~xxx-xx-xxxx~~

IN THE NAVY

The following-named officer to be appointed a permanent commander in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

* Comdr. Michael J. Dunne, Jr., Medical Corps, USNR.

The following-named officer to be appointed a permanent lieutenant commander in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

* Lt. Comdr. Frederick E. Youngblood, Medical Corps, USNR.

The following-named officers to be appointed permanent lieutenants in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

* Lt. Comdr. George J. Gavrell, Medical Corps, USNR.

* Lt. Douglas C. Howard, Medical Corps, USNR.

* Lt. Comdr. Kenneth F. Wagner, Medical Corps, USNR.

* Lt. Kurt E. Werner, Medical Corps, USNR.

The following-named Chief Warrant Officer to be appointed a permanent Chief Warrant Officer, W-3, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

Ordnance Technician (Surface)

* CWO-3 John P. Dalla Mura, USN(T).

The following-named Chief Warrant Officers to be appointed permanent Chief Warrant Officers, W-2, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

Operations Technician (Surface)

* CWO-2 William R. Castle, USN(T).

Engineering Technician (Surface)

* CWO-2 Edward M. Moon, Jr., USN(T).

The following-named (U.S. Navy officer (retired)) to be reappointed from the temporary disability retired list as a permanent Lieutenant (junior grade) in the Civil Engineer Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

* Lt. Frederick S. Messick, Jr., Civil Engineer Corps, USN (retired).

The following-named officers to be appointed temporary Lieutenant Commanders in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law:

* LCDR George J. Gavrell, MC, USNR.

* LCDR Kenneth F. Wagner, MC, USNR.

The following-named enlisted candidates to be appointed temporary Chief Warrant Officers, W-2, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

Aviation Operations Technician

* Lewis D. Center.

Operations Technician (Surface)

* Dennis R. Mahlik.

Supply Corps Warrant

* Robert K. Ramstad.

The following-named Chief Warrant Officers to be appointed temporary Lieutenants (junior grade) in the U.S. Navy, for temporary service, for limited duty in the classification indicated, subject to the qualifications therefor as provided by law:

Operations (Surface)

* CWO2 William R. Castle, USN(T).

Ordnance (Surface)

* CWO3 John P. Dalla Mura, USN(T).

Engineering/Repair (Surface)

* CWO2 Edward M. Moon, Jr., USN(T).

The following-named (U.S. Navy officer (Ret.)) to be reappointed from the temporary disability retired list as a temporary Lieutenant in the Civil Engineer Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

* Lt. Frederick S. Messick, Jr., CEC, USN (RET.).

The following-named officers to be appointed temporary Commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

* CDR James E. Engeler, MC, USN.

* CDR George W. Kindschi, MC, USN.

* CDR William A. McGill, MC, USN.

* Appointment sent out Ad Interim (During the recess of the Senate).

IN THE NAVY

The following named officers of the United States Navy for temporary promotion to the grade of lieutenant commander in the staff corps of the United States Navy as indicated, subject to qualification therefor as provided by law:

CHAPLAIN CORPS

Latty, Allan R.

Palafox, Lorenzo J.

DENTAL CORPS

Mailander, Mark J.

Sobie, Richard F.

JUDGE ADVOCATE GENERAL'S CORPS

Nicks, Harold T.

Comdr. Donald D. Hutchings for temporary promotion to the grade of captain in the Medical Corps of the Reserve of the United States Navy, subject to qualification therefor as provided by law.

Lt. Comdr. Leonard S. Schultz for temporary promotion to the grade of commander in the Medical Corps of the Reserve of the United States Navy, subject to qualification therefor as provided by law.

The following named officers of the United States Navy for temporary promotion to the grade of lieutenant in the line and staff corps of the United States Navy, as indicated, subject to qualification therefor as provided by law:

LINE

Alcorn Marion E. May, Stephen M.*
Allison, George B. Miller, James E.*
Betschart, Bruce S.* Morrow, Richard J.
Burgess, James R.* Nava, David*
Connolly, James M.* Niebergall, Marc C.*
Consuegra, Albert R. Palmatier, Robert J.*
Curtin, Bruce E.* Ray, James V., Jr.*
Fowler, John D.* Reynolds, David H., II*
Hampton, John J. Rosemark Douglas J.*
Henry, Charles E.* Simpson, John P., III
Kerr, William G.* Smith, Thomas B.*
Keyser, Larry L.* Smith, Wayne E.*
Kohne, John E. Stone, Joseph R.*
Larsen, Christopher S.* Verstraete, Paul A.
Larsen, Thomas C. Wedding Gregory L.
Leininger, Mark E. Wood, Joseph A., Jr.*

SUPPLY CORPS

Benson, Linwood E.

Boyce Thomas F.

CIVIL ENGINEER CORPS

Clinkingbeard, Kennedy, Michael G.*
Terry A.* Uzarski, Donald R.*

MEDICAL SERVICE CORPS

Helm, Wade R. Monaco, William A.
Kish, Robert J.* Vasquez, Jesse H.*

NURSE CORPS

Bishop, Wayne F. McMullen,
Boyle, Carey T.* Suzanne T.*
Christian, Tresa Montmarquet,
M. M. Donna M.
Comte, Michele A. Myles, Linda C.
Gallino, Alice A.* O'Donnell,
Herzler, Ralph E., III Katherine G.*
Mader, Suzan H. Owen, Nancy J.
Malich, Rodriguez, Fe. E.
Bernadette A.* Steel, Barbara
McDonald, Mitchel A. Wayne, James F.*

*Indicates an interim appointment.

Lt. Comdr. Arvin L. Haukereld for temporary and permanent promotion to the grade of chief warrant officer W-4 of the United States Navy.

The following named women officers of the United States Navy, for permanent promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Mitchell, Monika U.

Westfall, Susan J.

The following named officers of the United States Navy for temporary promotion to the grade of lieutenant (junior grade) in the line and staff corps of the United States Navy, as indicated, subject to qualification therefor as provided by law:

LINE

Adams, James P., Jr. Dorso, John M.
Andersen, Richard E. Drane, Robert L.
Anderson, William J. Duran, Luis M.
Ackerman, John W. Elger, Elroy B.
Apodaca, Paul J. Enos, Russell W.
Arnold, Charles D. Estep, Alfred J.
Artley, Fred C. Evans, James M.
Atchison, Fenton, William C.
Laurence J. Ferguson, James H.
Attebury, Ervel E. Fike, Delmas G.
Baldwin, John B. Flamboe, Edward E.
Bales, James L. Florida, Frank E.
Barber, Richard D. Fluck, John D.
Barger, David L. Fone, Raymond B.
Barnett, Eben E. I. Ford, Terrence J.
Bauder, John T. Fortier, Charles H.
Beane, William L. Fortson, Frank S.
Beasley, Ronald L. Free, James R. J.
Biegler, Loren W. Freegard, Sidney B.
Bullard, Bobby J. Furst, David E.
Burris, William A. Galen, Howard E.
Buzzell, Ralph C. German, William E.
Calabrese, Geoffrey J. Gibson, Walter
Carawon, Bruce C. Gilbert, Melvin L.
Carpenter, Russell R. Glidden, Eric S.
Casper, J. Kip Godwin, Jackie E.
Chase, Bruce L. Grandlund, Richard
Cherry, Stephen W. Greene, Ronald M.
Clayburn, Michael W. Greer, Arthur W.
Clements, David L. Gregoire, Normand L.
Colman, Hubert E. Greve, Kenneth R.
Comfort, Terrence J. Grutta, Frank T.
Conohan, Francis C. Gschwend, David A.
Connell, James L. Gulbrandson, Charles
Cooper, Charles W. Hafer, Larry E.
Crabtree, Richard E. Hale, Roy G.
Crawford, George F. Hall, Randal R.
Cumings, Kenneth W. Hammonree,
Davis, Levi James D.
Blanchard, Tyrone R. Hanley, Claude R.
Bodine, Daniel L. Hanson, Clark R.
Boeckmann, Heckel, Frederick R.
Raymond J. Heller, Richard B.
Book, Roy L. Henry, James P.
Borner, Wesley F. Higgins, Lloyd D.
Boycourt, Ivon G. Hill, Thomas G.
Brandon, Earl L. Hinen, Norman L.
Branson, Jack R. Hinton, Herbert R.
Brayman, Thomas E. Hoffman, Robert B.
Breslin, Joseph J. Hogue, Charles W.
Brigman, William M. Honer, John G.
Briley, Earl D. Hoover, Daniel L.
Brittingham, Hopkins, Michael R.
Robert P. Hopkins, Raymond J.
Bromaghin, Ward M. Howard, John L.
Brosh, Lawrence D. Huckfeldt, Larry W.
Brown, Rex Hulse, Reynold N.
Davis, William H. Hurst, Ernest W.
Denam, Harvey E.

Iannetta, John M. Ireland, John A. Jackson, James M. James, Robert O. Johnson, Lester James, Robert O. Johnson, Lester Johnson, Patrick H. Jones, Howard L. Jones, Thomas E. Jones, William P. Judd, Michael R. Justet, Patrick K. Kaufman, David L. Kearney, Thomas E. Kelly, Herbert C. Kemp, Alfred D. Kenyon, Robert J. Kerns, Harold E., Jr. King, James B. Kits, Joseph C. Knapp, Frank C. Kohn, Walter Korbelik, Oakley A. Kroeger, Daniel R. Lane, James A. Lapoint, John T. Larson, Glenn K. Layne, Claude E. Little, David E. Lowell, Robert O. Lunt, Robert T. Lynch, William A. MacKenn, John P. Maguire, Thomas P. Mahaffey, Joseph W. Malich, Thomas C. Martin, Marion L. Matthews, Julian T.	McConnell, Jerry C. McKenzie, Thomas H. McLeroy, Ronald J. McNeal, Garrell R. McPherson, Richard G. Meeks, John D. Mergen, William L. Minnick, Hubert W. Moore, Johnnie C. Moore, Herman C., Jr. Morris, Charles C. Morris, Erwin C., Jr. Moss, Curtis Mow, Warren C. Mundy, Merlin E. Muse, Paul R., Jr. Mustin, James O. Nash, Ronald E. Nims, George E., Jr. Noha, Joseph P. North, Albert L. Odell, Joseph M. Ovsak, Gary A. Patterson, Gary D. Parsons, Robert M. Peters, Frank C. Peyton, Michael T. Phipps, Frank P. Piccini, Peter G. Pierce, Donald A. Plimmer, Emmett L. Poch, Richard R. S. Poston, Charles B. Powell, Ronald D. Rasberry, John H. Ray, David G. Reed, Ralph G. Richards, Daniel R. Ritchie, Freddie W.	Roskoph, James E. Ruddy, Charles L. Rule, George G. Runyan, Charles E. Rutland, Roger W. Safford, Russell M. Sage, William R. Saye, William A. Schieber, William M. Schmidt, William A. Schulmeister, Arnold Schultz, Edward J. Schwartz, Gerald M. Sheridan, Dennis D. Shierling, Johnnie W. Slar, Richard K. Singleton, James L. Slack, Robert H. Scott, Gordon F. Scott, Michael F. Shriver, John M. Shull, Kenneth G. Sitton, William E. Smith, Donald M. Smith, Glenn L. Snyder, Jerry M. Sorensen, Ralph M.	Starnes, John H. Steele, Terry S. Steib, John F., Jr. Stephens, Hugh L. Stewart, William J. Stolarz, Robert M. Stuntz, Richard L. Sulman, Bernard I. Tanner, Marshall E. Terrebrood, Gerald F. Tindell, Joseph T. Todd, Jerry L. Treubel, Joseph T. Vleck, Ralph M. Wall, John Wallace, Robert E. Waller, Donald R. Walshall, James E. Weaver, Jimmie D. Weavil, Richard L. Werbskiss, James J. Whitehead, Charles E. Wilhelm, Wallace W. Wilson, James H. Wise, Carlton J. Woodbury, John S. Zell, Ronald J.	Brunelle, David M. Bubb, Ronald E. Cesar, Niles C. Crowell, John F. Cruit, Carlton D. Davis, Joe E. Diamond, David Dulaney, Jerry D. Ebert, Thomas A. Edgmon, Bobby R. Eimers, Orin K. Epps, Kenneth L. Erichsen, Michael E. Fox, Francis R. Franklin, Kenneth W. Fuchs, Kurt W. Fudge, Gerald D. Garnto, Sterling E. Garrett, James M. Glans, Dale C., Jr. Goodloe, Murriel E. Griswold, Lynn C. Hall, James R.	Haslam, Garth S. Hoffman, Stanley W. Holm, Dale L. Johnson, Ronald A. Kulcsar, Theron A. Lee, Eddie A. Libby, Earle S. McCoy, Wendel T. McGinn, Charles F. McIndoe, Bruce H. Miller, Stanley C. Otlowski, Richard. Pariseau, Royle J. Poppell, Gordon H. Powell, Cecil D. Rasnick, Lannes B. Schnable, Robert M. Shannon, Patrick A. Soliday, James E. Thayer, Jon E. Vaughn, Charles D. Wilder, Thomas W. Wright, James A.
---	--	---	---	--	---

IN THE MARINE CORPS

The following-named (Naval Reserve Officer Training Corps) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Adams, Paul D.	Loftis, Tracy K.
Dawson, Ralph D.	McCaffrey, James F.
Donnelly, Leo M.	Redman, James M.
Flanagan, John S., II	Sisson, Glen E.
Fuller, Thomas M.	Suddarth, Margaret J.
Joutros, Joseph E.	Wood, David W.

HOUSE OF REPRESENTATIVES—Wednesday, June 2, 1976

The House met at 12 o'clock noon.
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the words of my mouth and the meditations of my heart be acceptable in Thy sight, O Lord, my Strength and my Redeemer.—Psalms 19: 14.

Almighty God, our Heavenly Father, as we begin the life of another day we come to Thee praying for guidance, strength and wisdom that we may be true to our faith, faithful in our tasks, and loyal to the royal within ourselves.

We know not what this day may bring forth, what burdens we may have to carry, what tests we may have to meet, or what temptations we may have to resist. Give us wisdom, courage, and strength to do what is right and good for us, for others, and for all.

Breathe Thy spirit into our hearts that we may seek to understand one another, to forgive one another, and to love one another. Thus may we learn the fine art of speaking good, the finer art of doing good, and the finest art of all, being good.

Bless the King of Spain who visits us today and graciously lead his people to a greater life together. May his country and ours learn to be one in mind and spirit as we seek a better world for all.

In the spirit of the Master we pray.
Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CALL OF THE HOUSE

Mr. MORGAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 321]

Abzug	Ford, Mich.	Mills
Andrews, N.C.	Fraser	Moorhead, Pa.
Badillo	Glatino	Mosher
Bell	Hansen	Murphy, N.Y.
Boggs	Harsha	Neal
Boland	Hays, Ohio	Passman
Brademas	Hébert	Poage
Breaux	Heckler, Mass.	Rangel
Carney	Hicks	Rees
Chappell	Hinshaw	Rhodes
Clausen,	Jarman	Risenhoover
Don H.	Jones, Tenn.	Rose
Clawson, Del	Karth	Shuster
Collins, Tex.	Kastenmeier	St Germain
Conlan	Kemp	Stanton,
Conyers	Krebs	James V.
Derwinski	Krueger	Stephens
Diggs	LaFalce	Stokes
Dingell	Leggett	Stuckey
Dodd	Lujan	Teague
Downing, Va.	McKinney	Thompson
Drinan	Matsunaga	Udall
Edwards, Calif.	Metcalfe	Waxman
Esch	Meyner	Young, Ga.
Eshleman	Mikva	

The SPEAKER. On this rollcall 359 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further pro-

ceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to meet under the 5-minute rule today.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECESS

The SPEAKER. Pursuant to the order of the House of Wednesday, May 19, 1976, the House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.